

HR 10

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House Resolution

A resolution establishing the Rules of the House of Representatives of the State of Florida for the 2008-2010 term.

Be It Resolved by the House of Representatives of the State of Florida:

That the following rules shall govern the House of Representatives of the State of Florida for the 2008-2010 term:

RULES OF THE FLORIDA HOUSE OF REPRESENTATIVES

RULE ONE—LEGISLATIVE ORGANIZATION

1.1—Officers of the House

(a) CONSTITUTIONAL OFFICERS. Pursuant to Section 2 of Article III of the Florida Constitution:

(1) The House shall choose a permanent presiding officer designated Speaker.

(2) The House hereby designates as its clerk the Clerk of the House (hereinafter "Clerk"), to be appointed and serve in accordance with these rules.

(b) HOUSE LEADERSHIP. In addition to the Speaker, the House shall choose a Speaker pro tempore, who shall serve in the absence or condition of inability of the Speaker. The Speaker shall appoint a Majority Leader from among the members of the Majority Conference to serve at the pleasure of the Speaker. The

HR 10

2008

29 | Minority Conference shall select a Minority Leader from among
30 | the members of the Minority Conference.

31 | (c) OTHER OFFICERS. The Speaker shall appoint a Clerk and
32 | a Sergeant at Arms, who shall be employees of the House.

33 |

34 | 1.2—Political Party Conferences

35 | Conference rules shall be interpreted and enforced solely by the
36 | respective caucuses.

37 |

38 | 1.3—Seating Challenges

39 | In the case of a contest for a seat in the House, notice setting
40 | forth the specific grounds of such contest and the supporting
41 | evidence must have been received by the Clerk not less than 5
42 | days before the organization session of the Legislature. No
43 | motion to disqualify a member shall be in order at the
44 | organization session until a Speaker has been elected in
45 | accordance with the Florida Constitution. In the case of a
46 | special election, notice must have been received by the Clerk
47 | not less than 5 days before the next regular or special session
48 | convenes. If the election is during a session or less than 5
49 | days before the next session, the notice must have been received
50 | on the next legislative day following the receipt of certified
51 | election results. A contest setting forth facts sufficient to
52 | warrant review shall be referred by the Speaker to an
53 | appropriate council or committee. The council or committee shall
54 | conduct hearings as required and report its findings and
55 | recommendations to the House. Upon receipt of the council or

HR 10

2008

56 | committee report, the House shall convene with all dispatch to
57 | determine the contest by a majority vote.

58 |

59 | RULE TWO—POWERS, DUTIES, AND RIGHTS OF THE SPEAKER

60 |

61 | 2.1—Presiding

62 | The Speaker shall take the chair and call the House to order at
63 | the hour appointed for meeting and, if a quorum is present,
64 | shall proceed with the order of business.

65 |

66 | 2.2—Interpreting Rules

67 | The Speaker shall interpret, apply, and enforce the Rules of the
68 | House.

69 |

70 | 2.3—Deciding Questions of Order

71 | (a) DETERMINATION BY THE SPEAKER. All questions of order
72 | shall be presented to the Speaker for determination. The Speaker
73 | may require the member raising a point of order to cite the rule
74 | or other authority in support of the question. The Speaker may
75 | decide the question of order, put such question to the House, or
76 | refer such question to the Chair of the Rules & Calendar Council
77 | for a recommendation to the Speaker. Any decision of the Speaker
78 | on a point of order is subject to an appeal to the House made
79 | timely and separately by any five members.

80 | (b) QUESTIONS OF ORDER ARISING IN COUNCIL OR COMMITTEE. A
81 | question of order may be certified by a council or committee
82 | chair to the Speaker for determination as any other question of
83 | order. A question of order decided in council or committee may

HR 10

2008

84 | be appealed to the Speaker, provided the appeal is announced in
85 | the council or committee meeting, presented in writing, signed
86 | by two members of the council or committee, and delivered to the
87 | applicable chair prior to 4:30 p.m. the next day (excluding
88 | Saturdays, Sundays, and official state holidays). The appeal
89 | must then be immediately certified by the chair to the Speaker,
90 | who shall decide the question as any other question of order.
91 | The certification or appeal of a question arising in council or
92 | committee does not constitute an automatic stay of further
93 | action on the measure to which the question relates.

94 | (c) APPEAL TO THE HOUSE. When a decision of the Speaker on
95 | a question of order is appealed, the Speaker shall put the
96 | appeal to the House. No member may speak more than once, or for
97 | more than 3 minutes, on an appeal unless given leave by the
98 | House by majority vote.

99 | (d) DECISIONS NOT SUBJECT TO APPEAL. Responses to
100 | parliamentary inquiries and decisions of recognition made by the
101 | Speaker may not be appealed.

102

103 | 2.4—Execution of Documents

104 | The Speaker shall sign all bills and all writs, warrants, and
105 | subpoenas issued by order of the House, all of which shall be
106 | attested to by the Clerk. The Speaker may delegate the authority
107 | to sign papers authorizing payments or other papers of an
108 | administrative nature.

109

110 | 2.5—Appointment of a Temporary Presiding Officer

HR 10

2008

111 The Speaker may appoint any member to perform the duties of
112 presiding officer for a temporary period of time not to extend
113 beyond a single legislative day. If the Speaker is absent and
114 has not made such an appointment, the Speaker pro tempore shall
115 act as presiding officer during the Speaker's absence. However,
116 if the Speaker pro tempore is also absent and has not made such
117 an appointment, the Chair of the Rules & Calendar Council shall
118 act as presiding officer during the absence of both the Speaker
119 and Speaker pro tempore or may appoint another member to perform
120 such duties. The Speaker pro tempore shall exercise the duties,
121 powers, and prerogatives of the Speaker in the event of the
122 Speaker's death, illness, removal, or inability to act, until
123 the Speaker's successor is elected.

124

125 2.6—Protecting the Interests of the House

126 The Speaker may initiate, defend, intervene in, or otherwise
127 participate in any suit on behalf of the House, a council or
128 committee of the House, a member of the House (whether in the
129 legal capacity of member or otherwise), a former member of the
130 House, or an officer, employee, or agent of the House when the
131 Speaker determines that such suit is of significant interest to
132 the House.

133

134 2.7—Control of House Facilities

135 The Speaker shall have administrative control of the Chamber
136 when the House is not in session and of every other room, lobby,
137 and gallery of the House.

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RULE THREE—MEMBERS

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3.1—Membership

The House shall exercise its right to be the sole judge of the qualifications, elections, and returns of its members.

3.2—Voting Obligation

Except when abstention is required, every member shall have an obligation to vote on all matters that come before the House in session or before any council or committee to which the member is appointed. A member may not vote by proxy. A member may register an electronic vote in the Chamber for another member at the other member's specific request and direction, provided the requesting member is in the Chamber during the vote.

(a) ABSTENTION ON MATTERS OF SPECIAL PRIVATE GAIN OR LOSS.

A member may not vote on any measure that the member knows or believes would inure to the member's special private gain or loss. The member must disclose the nature of the member's interest in the matter from which the member is required to abstain.

(b) DISCLOSURE ON MATTERS OF SPECIAL PRIVATE GAIN OR LOSS TO FAMILY OR PRINCIPALS.

When voting on any measure that the member knows or believes would inure to the special private gain or loss of a family member of the member or to the special private gain or loss of any principal by whom the member or a family member of the member is retained or employed, a member must disclose the nature of the interest of such person in the

HR 10

2008

166 outcome of the vote. For the purpose of this rule, family
 167 members include the member's spouse, parents, and children.

168 (c) METHODS OF DISCLOSURE. If the vote is taken on the
 169 floor, disclosure under this rule or under any related law shall
 170 be accomplished by promptly filing with the Clerk a memorandum,
 171 which shall be printed in the *Journal*. If the vote is taken in a
 172 council or committee, the memorandum shall be filed promptly
 173 with the council or committee administrative assistant, who
 174 shall attach such memorandum to the council or committee report.
 175

176 3.3-Attendance Obligation

177 (a) COUNCIL AND COMMITTEE MEETING ATTENDANCE. A member
 178 shall attend all meetings of councils and committees to which
 179 appointed unless excused by the chair or by the Speaker. Excuse
 180 from a House session shall constitute excuse from that day's
 181 meetings. Failure to attend two consecutive meetings, unless
 182 excused, shall constitute automatic removal from the council or
 183 committee and create a vacancy. Upon notification of automatic
 184 removal, the Speaker may make an appointment to fill such
 185 vacancy.

186 (b) SESSION ATTENDANCE

187 (1) A member may not be absent from the sessions of the
 188 House without approval from the Speaker. Upon written request of
 189 a member submitted in a timely manner, the Speaker may, by
 190 written notice to the Clerk, excuse the member from attendance
 191 for any stated period. It shall be the responsibility of the
 192 excused member to advise the Clerk when leaving and returning to
 193 the Chamber.

HR 10

2008

194 (2) Any member who has answered roll call, either orally
195 or by electronic means, at the opening of any daily session, or
196 who enters after the initial quorum call and informs the Clerk
197 of the member's presence, shall thereafter be presumed present
198 unless necessarily prevented or leave of absence is obtained
199 from the Speaker. The Speaker shall make any determination as to
200 whether a member was necessarily prevented.

201

202 3.4—Open Meetings

203 (a) Subject to order and decorum, each member shall
204 provide reasonable access to members of the public to any
205 meeting between such member and more than one other member of
206 the Legislature, if such members of the public have requested
207 admission and such meeting has been prearranged for the purpose
208 of agreeing to take formal legislative action on pending
209 legislation or amendments at such meeting or at a subsequent
210 time.

211 (b) Subject to order and decorum, a member of the public
212 requesting admission shall have reasonable access to any meeting
213 between the Speaker, the Senate President, or the Governor, if
214 such meeting has been prearranged for the purpose of agreeing to
215 take formal legislative action on pending legislation or
216 amendments at a subsequent time.

217 (c) No meeting required by these rules to be open to
218 members of the public shall be conducted in the Members' Lounge,
219 at any location that is closed to the public, or at any location
220 that a participating member knows prohibits admission on the

HR 10

2008

221 basis of race, religion, gender, national origin, physical
 222 disability, or similar classification.

223 (d) Meetings conducted in the Chamber of either the House
 224 or the Senate while such body is in session shall be considered
 225 to be held at a location providing reasonable access to, and to
 226 be reasonably open to, the public.

227 (e) When the number of persons attending a meeting subject
 228 to this rule must be limited because of space considerations or
 229 otherwise for the maintenance of order or decorum, at least one
 230 representative each of the print, radio, and television media
 231 shall be included among the members of the public admitted, if
 232 such persons have requested admission.

233 (f) For the purpose of this rule, and as used in Section 4
 234 of Article III of the Florida Constitution, legislation shall be
 235 considered pending if filed with the Clerk. An amendment shall
 236 be considered pending if it has been delivered to the
 237 administrative assistant of a council or committee in which the
 238 legislation is pending or to the Clerk, if the amendment is to a
 239 bill that has been reported favorably by each council or
 240 committee of reference, and the term "formal legislative action"
 241 shall include any vote of the House or Senate, or of a council,
 242 committee, or subcommittee of either house, on final passage or
 243 on a motion other than a motion to adjourn or recess.

244

245 RULE FOUR—DUTIES OF CLERK,
 246 SERGEANT AT ARMS, AND EMPLOYEES

247

248 4.1—The Clerk

HR 10

2008

249 (a) The Clerk serves at the pleasure of the Speaker. The
 250 Clerk shall:

251 (1) Be the custodian of all bills, resolutions, and
 252 memorials. No member or other person may take possession of an
 253 original bill, after filing, with the intention of depriving the
 254 Legislature of its availability for consideration.

255 (2) Provide for the keeping of a complete record of
 256 introduction and action on all bills, resolutions, and
 257 memorials, including the number(s), the sponsor(s), each
 258 cosponsor, a brief description of the subject matter, and each
 259 council and committee reference.

260 (3) Keep a correct journal of proceedings of the House.
 261 The Journal shall be numbered serially and published from the
 262 first day of each session of the Legislature.

263 (4) Superintend the engrossing and transmitting of bills,
 264 resolutions, and memorials and approve the enrolling of all
 265 House bills.

266 (5) Sign and receive necessary papers in the name of the
 267 House between a general election and election of the Speaker.

268 (6) Perform any other duties assigned by the Speaker.

269 (b) It shall be a ministerial duty of the Clerk to attest
 270 to all writs issued by order of the House and to the passage of
 271 all legislative measures.

272

273 4.2—The Sergeant at Arms

274 The Sergeant at Arms (hereinafter "Sergeant") serves at the
 275 pleasure of the Speaker. The Sergeant shall attend the House
 276 during its sittings and maintain order under the direction of

HR 10

2008

277 | the Speaker or other presiding officer. In case of any
278 | disturbance or disorderly conduct within the Chamber, corridors,
279 | passages, lobby, galleries, and rooms of the House, whether in
280 | the Capitol or elsewhere, the Speaker may order the Sergeant to
281 | suppress the same and may order the Sergeant to remove any
282 | person creating any disturbance. The Sergeant will ensure that
283 | no person is admitted to the Chamber except in accordance with
284 | these rules. The Sergeant shall oversee the security of the
285 | House and its members when engaged in their constitutional
286 | duties and perform other duties under the command and
287 | supervision of the Speaker.

288

289 | 4.3—The Employees

290 | The Speaker shall employ all employees of the House and shall
291 | determine their qualifications, duties, hours of work, and
292 | compensation, including perquisites and other benefits. All
293 | employees work for and serve at the pleasure of the Speaker. The
294 | Speaker has the right to dismiss any employee of the House
295 | without cause, and the pay of such employee shall stop on the
296 | designated day of dismissal. Except when operating under
297 | direction from a member with authority over the designated
298 | employee, no House employee shall seek to influence the passage
299 | or rejection of proposed legislation.

300

301 | RULE FIVE—FORM AND INTRODUCTION OF BILLS

302

303 | 5.1—"Bill" Stands for All Legislation

HR 10

2008

304 Except when the context otherwise indicates, "bill," as used in
 305 these rules, means a bill, joint resolution, concurrent
 306 resolution, resolution, memorial, or other measure upon which a
 307 council or committee may be required to report.

308
 309 5.2—Member Bill Filing Deadline

310 Filing deadlines for member bills shall be as follows:

311 (a) No general bill, local bill, joint resolution,
 312 concurrent resolution (except one relating to extension of a
 313 session or legislative organization or procedures), substantive
 314 House resolution, or memorial shall be given first reading
 315 unless approved for filing with the Clerk no later than noon of
 316 the first day of the regular session.

317 (b) No ceremonial resolution shall be given first reading
 318 unless approved for filing with the Clerk prior to the 46th day
 319 of regular session.

320
 321 5.3—Limitation on Member Bills Filed

322 (a) A member may not file more than six bills for a
 323 regular session. Of the six bills, at least two must be approved
 324 for filing with the Clerk no later than noon of the 6th Tuesday
 325 prior to the first day of the regular session. For purposes of
 326 this rule, the member considered to have filed a bill is the
 327 first-named sponsor of the bill.

328 (b) Bills not counted toward these limits include:

- 329 (1) Local bills, including local claim bills.
- 330 (2) Ceremonial House resolutions.
- 331 (3) Memorials.

HR 10

2008

332 (4) Concurrent resolutions relating to extension of a
 333 session or legislative organization or procedures.

334 (5) Trust fund bills adhering to another bill.

335 (6) Public records or public meetings exemption bills
 336 adhering to another bill.

337 (7) General bills adhering to a joint resolution.

338 (8) Bills that only repeal or delete, without substantive
 339 replacement, provisions of the Florida Statutes or Laws of
 340 Florida.

341 (9) Bills withdrawn from further consideration prior to
 342 the applicable filing deadline.

343

344 5.4—Forms of Measures; Sponsorship Transactions

345 (a) To be acceptable for introduction, all bills shall be
 346 produced in accordance with standards approved by the Speaker.

347 (b) No member may be added or deleted as a sponsor or
 348 cosponsor of a bill without the member's consent. A member
 349 desiring to be a cosponsor must submit to the Clerk a
 350 cosponsorship request agreed to by the first-named sponsor. A
 351 member may withdraw as a cosponsor by submitting a request to
 352 the Clerk.

353 (c) Bills that propose to amend existing provisions of law
 354 shall contain the full text of the section, subsection, or
 355 paragraph to be amended. Joint resolutions that propose to amend
 356 the Florida Constitution shall contain the full text of the
 357 section to be amended. As to those portions of general bills and
 358 joint resolutions that propose to amend existing provisions of
 359 the Florida Statutes or the Florida Constitution, words to be

HR 10

2008

360 added shall be inserted in the text underlined and words to be
361 deleted shall be lined through with hyphens. If the change in
362 language is so general that the use of these procedures would
363 hinder, rather than assist, the understanding of the amendment,
364 it is not necessary to use the coded indicators of words added
365 or deleted, but, in lieu thereof, a notation similar to the
366 following shall be inserted immediately preceding the affected
367 section of the bill: "Substantial rewording of section. See s.
368 , F.S., for present text." When such a notation is used,
369 the notation, as well as the substantially reworded text, shall
370 be underlined. The words to be deleted and the above-described
371 indicators of such words and of new material are for information
372 and guidance and do not constitute a part of the bill under
373 consideration. Numerals in the margins of the line-numbered
374 pages do not constitute a part of the bill and are shown on each
375 page only for convenience in identifying lines. Section
376 catchlines of existing text shall not be underlined, nor shall
377 any other portion of a bill covered by this rule other than new
378 material.

379

380 5.5-Local Bills

381 (a) If the substance of a local bill may be enacted into
382 law by ordinance of a local governing body without the legal
383 need for a referendum, no council or committee may report the
384 bill favorably.

385 (b) A local bill that provides an exemption from general
386 law may not be placed on the Special Order Calendar in any
387 section reserved for the expedited consideration of local bills.

HR 10

2008

388 (c) All local bills, including local claim bills, must
 389 either, as required by Section 10 of Article III of the Florida
 390 Constitution, embody provisions for a ratifying referendum
 391 (stated in the title as well as in the text of the bill) or be
 392 accompanied by an affidavit of proper advertisement, securely
 393 attached to the original bill ahead of its first page.

394
 395 5.6-Claim Bills

396 (a) The Speaker may appoint a Special Master to review a
 397 claim bill or conduct a hearing, if necessary. The Special
 398 Master may administer an oath to all witnesses, accept relevant
 399 documentary and tangible evidence offered as deemed necessary,
 400 and record the hearing. The Special Master may prepare a final
 401 report containing findings of fact, conclusions of law, and
 402 recommendations. The report shall be signed by the Special
 403 Master, who shall be available, in person, to explain his or her
 404 report to any council or committee of reference.

405 (b) Stipulations entered into by the parties are not
 406 binding on the Special Master or the House or its councils or
 407 committees.

408 (c) The hearing and consideration of a claim bill shall be
 409 held in abeyance until all available administrative and judicial
 410 remedies have been exhausted, except that the hearing and
 411 consideration of a claim that is still within the judicial or
 412 administrative system may proceed when the parties have executed
 413 a written settlement agreement.

414
 415 5.7-Reviser's Bills

HR 10

2008

416 Reviser's bills shall be introduced by the Rules & Calendar
417 Council, which may request prior review by another council or
418 committee.

419

420 5.8—Memorials

421 A memorial expresses the opinion of the Legislature to the
422 Federal Government. All memorials shall contain the resolving
423 clause "Be It Resolved by the Legislature of the State of
424 Florida:".

425

426 5.9—House Resolutions; Concurrent Resolutions; Tributes

427 (a) All House resolutions and all concurrent resolutions
428 originating in the House shall contain a title and a resolving
429 clause. In the case of House resolutions, the resolving clause
430 shall be "Be It Resolved by the House of Representatives of the
431 State of Florida:". In the case of concurrent resolutions
432 originating in the House, the resolving clause shall be "Be It
433 Resolved by the House of Representatives of the State of
434 Florida, the Senate Concurring:". Concurrent resolutions
435 originating in the House shall present only questions pertaining
436 to extension of a session, enactment of joint rules,
437 ratification of federal constitutional amendments,
438 communications with the judiciary, actions taken pursuant to
439 federal law not requiring gubernatorial approval, or other
440 exclusively legislative matters.

441 (b) All ceremonial House resolutions shall be reviewed and
442 approved by the Chair of the Rules & Calendar Council before
443 introduction.

HR 10

2008

444 (c) Copies of House resolutions shall be furnished by the
445 Clerk. The Secretary of State shall be requested to prepare
446 certified copies of concurrent resolutions after their adoption.

447 (d) Any matter commemorating local achievement,
448 condolences, or other recognition shall be prepared by the House
449 Bill Drafting Service as an individual tribute for the member
450 sponsoring the measure.

451

452 5.10—Bills Filed During an Interim

453 During the period between the organization session and the
454 convening of the first regular session of the legislative
455 biennium and during the period between the first and second
456 regular sessions of the legislative biennium, members may file
457 for introduction bills that have been prepared or reviewed by
458 the House Bill Drafting Service.

459

460 5.11—Requirements for Introduction

461 (a) All bills (other than an appropriations bill,
462 concurrent resolutions relating to organization of the
463 Legislature, resolutions relating to organization of the House,
464 reviser's bills, reapportionment bills or resolutions, and
465 recall of acts from the Governor) shall either be prepared or,
466 in the case of local bills, reviewed by the House Bill Drafting
467 Service. After completion and delivery by the House Bill
468 Drafting Service, no change may be made in the text or title of
469 the bill without returning the bill to the House Bill Drafting
470 Service prior to filing.

HR 10

2008

471 (b) The Director of the House Bill Drafting Service shall
472 notify any member proposing a bill if an identical or
473 substantially similar bill has been filed and, if so, the name
474 of the sponsor of such bill.

475

476 5.12—Identification

477 Each bill shall be given a number and filed with the Clerk by
478 the House Bill Drafting Service. Bills shall be serially
479 numbered in an odd-numbered sequence, except that bills of a
480 similar type may be serially numbered separately. The Clerk
481 shall validate the original copy of each bill, and each page
482 thereof, to ensure its identification as the item introduced in
483 order to prevent unauthorized or improper substitutions
484 therefor.

485

486 5.13—Companion Measures

487 A companion Senate bill must be substantially similar in
488 wording, and identical as to specific intent and purpose, to the
489 House bill for which it is being substituted. Whenever a House
490 bill is reached on the floor for consideration, either on second
491 or third reading, and there is also pending on the Calendar of
492 the House a companion bill already passed by the Senate, it
493 shall be in order to move that the Senate companion bill be
494 substituted and considered in lieu of the House bill. Such
495 motion may be adopted by a majority vote, provided the Senate
496 bill is on the same reading; otherwise, the motion shall be to
497 waive the rules by a two-thirds vote and substitute such Senate
498 bill. At the moment the House substitutes the Senate companion

HR 10

2008

499 | bill or takes up a Senate bill in lieu of a House bill, the
 500 | House bill so replaced shall be automatically tabled.

501 |

502 | **RULE SIX—REFERENCE**

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504 | **6.1—Speaker to Refer Legislation**

505 | The authority to make bill referrals rests with the Speaker,
 506 | except as otherwise provided in these rules.

507 |

508 | **6.2—Reference: Generally**

509 | (a) Bills, upon filing or introduction, whether House or
 510 | Senate, may be referred by the Speaker to one or more committees
 511 | or councils or any combination thereof or to the Calendar of the
 512 | House. The order of reference shall be determined by the
 513 | Speaker.

514 | (b) References of bills and the nature of any documents
 515 | referred shall be recorded in the *Journal*.

516 |

517 | **6.3—Reference: Exception**

518 | A Senate bill with a House companion may be paired with the
 519 | companion House bill at whatever its stage of consideration,
 520 | provided both bills are on the same reading.

521 |

522 | **6.4—Reference of Resolutions, Concurrent Resolutions: Exception**

523 | Resolutions on House organization and concurrent resolutions
 524 | pertaining to extension of the session may be taken up upon
 525 | motion and adopted at the time of introduction without
 526 | reference.

HR 10

2008

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6.5—Appropriations or Tax Measures: Withdrawal from a Fiscal Council or Committee; Additional Reference

(a) A bill in the possession of a fiscal council or committee that has been amended by report from a council or committee of previous reference to remove its fiscal impact may be withdrawn from the fiscal council or committee on a point of order raised by the council chair of the fiscal council having possession of the bill or jurisdiction over the committee having possession of the bill.

(b) If an amendment adopted on the floor of the House affects an appropriation or a tax matter, upon a point of order made by the chair or vice chair of a fiscal council, the bill may be referred by the Speaker, with the amendment, to an appropriate council or committee. If the bill, as amended on the floor, is reported favorably without further amendment, it shall be returned to the same reading as when referred. If the bill, as amended on the floor, is reported favorably with further amendment, it shall be returned to second reading.

6.6—Reference of Veto Messages

The Speaker may refer veto messages to the appropriate council or committee for a recommendation.

RULE SEVEN—COUNCILS AND COMMITTEES

PART ONE—Organization

HR 10

2008

555 7.1—Standing Councils and Committees

556 (a) The following standing councils, and the standing
 557 committees within their respective jurisdictions, are
 558 established:

559 (1) Rules & Calendar Council

560 (2) Full Appropriations Council on Education & Economic
 561 Development

562 a. PreK-12 Appropriations Committee

563 b. State Universities & Private Colleges Appropriations
 564 Committee

565 c. State & Community Colleges & Workforce Appropriations
 566 Committee

567 d. Transportation & Economic Development Appropriations
 568 Committee

569 (3) Full Appropriations Council on General Government &
 570 Health Care

571 a. Health Care Appropriations Committee

572 b. Human Services Appropriations Committee

573 c. Healthy Seniors Appropriations Committee

574 d. Natural Resources Appropriations Committee

575 e. Government Operations Appropriations Committee

576 f. Criminal & Civil Justice Appropriations Committee

577 (4) Policy Council

578 (5) Government Accountability Act Council

579 (6) Finance & Tax Council

580 (7) Education Policy Council

581 a. PreK-12 Policy Committee

582 b. State Universities & Private Colleges Policy Committee

HR 10

2008

- 583 c. State & Community Colleges & Workforce Policy Committee
- 584 (8) Health & Family Services Policy Council
- 585 a. Health Care Services Policy Committee
- 586 b. Health Care Regulation Policy Committee
- 587 c. Elder & Family Services Policy Committee
- 588 (9) General Government Policy Council
- 589 a. Agriculture & Natural Resources Policy Committee
- 590 b. Insurance, Business, & Financial Affairs Policy
- 591 Committee
- 592 c. Energy & Utilities Policy Committee
- 593 (10) Economic Development & Community Affairs Policy
- 594 Council
- 595 a. Economic Development Policy Committee
- 596 b. Roads, Bridges, & Ports Policy Committee
- 597 c. Governmental Affairs Policy Committee
- 598 d. Military & Local Affairs Policy Committee
- 599 (11) Criminal & Civil Justice Policy Council
- 600 a. Civil Justice & Courts Policy Committee
- 601 b. Public Safety & Domestic Security Policy Committee
- 602 (b) For purposes of these rules, the term "committee"
- 603 includes council and subcommittee, except where the context
- 604 indicates otherwise.

605

606 7.2—Office of Reapportionment

607 There is hereby created the House Office of Reapportionment,
 608 which shall be headed by a member appointed by the Speaker.

609

610 7.3—Council and Committee Appointments

HR 10

2008

611 The Speaker shall appoint the chair, the vice chair, and any co-
612 chairs deemed necessary, as well as all members, for each
613 standing House council and committee. The Speaker shall appoint
614 the House chair and all House members of each conference
615 committee, joint committee, and joint select committee created
616 by agreement of the House and Senate or of the Speaker and the
617 Senate President. The Speaker shall give notice of each such
618 appointment, in writing, to the Clerk for publication. The
619 Minority Leader may make recommendations to the Speaker
620 regarding the appointment of Minority Conference members to
621 councils and committees. The Minority Leader may also name a
622 Minority Conference member of any council or committee as
623 "ranking member" of that council or committee, subject to the
624 approval of the Speaker.

625

626 7.4-Powers of the Chair

627 A council or committee chair has authority to sign all notices,
628 vouchers, and reports required or permitted by these rules. The
629 chair has authority to sign all subpoenas issued under these
630 rules. The chair has all authority necessary to ensure the
631 orderly operation of the council or committee, including, but
632 not limited to, presiding over meetings, establishing each
633 meeting agenda, determining the order in which matters are to be
634 taken up, recognizing or not recognizing non-member presenters,
635 and deciding questions of order. Decisions on questions of order
636 may be appealed pursuant to Rule 2.3(b), but there shall be no
637 appeal of the chair's recognition.

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HR 10

2008

639 7.5—Absence of the Chair

640 In the absence of the chair and all co-chairs, the vice chair,
641 if any, shall assume the duty to convene and preside over
642 meetings and such other duties as the Speaker may assign, unless
643 a temporary chair has been appointed by the Speaker. During a
644 meeting properly convened, the presiding chair, vice chair, or
645 temporary chair may temporarily assign the duty to preside at
646 that meeting to another council or committee member until the
647 assignment is relinquished or revoked.

648

649 7.6—Term of Appointment

650 All standing council or committee chairs, vice chairs, and
651 members serve at the pleasure of the Speaker. All standing
652 council and committee appointments shall be made by the Speaker
653 prior to the convening of each regular session and shall expire
654 on August 1 of odd-numbered years or, if the Legislature is
655 convened in special or extended session on that date, upon
656 adjournment *sine die* of such session.

657

658 7.7—Creation of Select Committees

659 At any time, the Speaker may create a select committee and shall
660 appoint the membership and name the chair and vice chair. A
661 select committee may include the entire membership of the House.
662 A select committee has the jurisdiction, authority, and powers
663 and duties assigned to it by the Speaker and exists for the
664 period of time specified by the Speaker. The Speaker shall give
665 written notice of the creation of a select committee to the
666 Clerk for publication.

HR 10

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7.8—*Ex officio* Members

The Speaker may designate the Speaker pro tempore or the Majority Leader as an *ex officio*, voting member of any council or committee. In addition, the Speaker may designate a council chair as an *ex officio*, voting member of any committee within the council's jurisdiction. The designation shall be made in writing addressed to the chair of the council or committee. Prior to the start of the council or committee meeting, a copy of the written designation shall be provided to the Minority Leader. Only one *ex officio* member may sit and vote at a time on any one council or committee.

7.9—Meetings of Councils and Committees

Councils and committees shall meet only within the dates, times, and locations designated or authorized by the Speaker. Councils and committees shall meet at the call of the chair.

7.10—Consideration of Proposed Council and Committee Bills

Before a standing council or committee may consider a proposed council or committee bill, the chair shall submit a written request to the Speaker for approval. A request for approval to consider a proposed committee bill shall be cosigned by the chair of the council with jurisdiction over the committee. In introducing a proposed council or committee bill, the chair must designate a member of the council or committee as first-named cosponsor, with the approval of such member.

HR 10

2008

695 7.11—Conference Committees

696 (a) The Speaker shall determine the number of House
697 managers needed for all conference committees. A conference
698 committee report shall require the affirmative votes of a
699 majority of the managers on the part of each house. Such reports
700 may recommend action on amendments previously adopted by the
701 House or Senate, recommend action on additional compromise
702 amendments, or offer an amendment deleting everything after the
703 enacting clause. New amendments recommended by the conference
704 committee shall accompany the report.

705 (b) The receiving of conference committee reports shall
706 always be in order, except when the House is voting on any
707 proposition. When a conference committee report is presented to
708 the House, the procedure shall be:

709 (1) First to vote on a motion to accept the report in its
710 entirety. The motion shall not be subject to amendment. If this
711 vote fails, the report shall be automatically recommitted to the
712 conference committee.

713 (2) If the report is accepted, the final vote shall be a
714 roll call on the passage of the bill as amended by the report.
715 The bill as amended by the report is not subject to further
716 amendment.

717 (c) When House managers report inability of a conference
718 committee to agree, no action of the House taken prior to such
719 appointment shall preclude further action by the House as the
720 House may determine.

721

722 PART TWO—Procedures in Councils and Committees

HR 10

2008

723

724 7.12—Scheduling Council and Committee Meetings

725 (a) Notice of Council and Committee Meetings. Any council
726 or committee meeting to be held for the purpose of considering
727 legislation must be noticed. The council or committee
728 administrative assistant shall provide electronic or paper
729 copies of the notice to the Clerk for publication and to the
730 House Majority Office, the House Minority Office, the members of
731 the council or committee, and the first-named sponsor of each
732 bill noticed.

733 (b) Content of Meeting Notice. The notice shall state the
734 date, time, and place of the meeting and, for each bill to be
735 considered, the bill or proposed bill number and a portion of
736 the title sufficient for identification. Except as provided
737 below with respect to council or committee substitutes and bills
738 retained on reconsideration under Rules 7.17 and 7.20, only such
739 bills as are included on the written notice of a council or
740 committee meeting may be considered at that meeting.

741 (c) Proposed Bills to be Available. A copy of each
742 proposed bill noticed for consideration must be available to
743 each council or committee member no later than the time of
744 providing notice of the meeting.

745 (d) Notice Deadline between Sessions. During the period
746 when the Legislature is not in session, before any council or
747 committee holds a meeting for the purpose of considering
748 legislation a notice of such meeting shall be provided no later
749 than 4:30 p.m. of the 7th day before the meeting.

HR 10

2008

750 (e) Notice Deadlines during Sessions. During the first 45
751 days of a regular session, notice shall be provided no later
752 than 4:30 p.m. of the 2nd day (excluding Saturdays, Sundays, and
753 official state holidays) before the council or committee meeting
754 for the purpose of considering legislation. After the 45th day
755 of a regular session and during any extended session, the notice
756 shall be provided no later than 4:30 p.m. on the day (including
757 Saturdays, Sundays, and official state holidays) before the
758 council or committee meeting. During any special session, the
759 notice shall be provided no later than 2 hours before the
760 council or committee meeting.

761 (f) Notice of Not Meeting. If a council or committee is
762 authorized and scheduled for a meeting by the Speaker but does
763 not plan to meet, a notice stating that no meeting will be held
764 shall be provided in the time and manner of noticing a meeting.

765 (g) Amended Notice and Cancellation. At any time prior to
766 a noticed meeting, a bill or other item may be removed from a
767 meeting notice or the meeting may be cancelled by providing an
768 amended notice.

769 (h) Clerk Duties. The Clerk shall promptly publish the
770 content of meeting notices in accordance with policies approved
771 by the Speaker.

772 (i) Continuation after Noticed Time. If the majority of
773 council or committee members present agree, a council or
774 committee may continue the consideration of properly noticed
775 legislation after the expiration of the time called for the
776 meeting or may temporarily recess to continue the meeting at a
777 time and place certain on the same day. However, a council or

HR 10

2008

778 | committee may not meet beyond the time authorized or in a place
 779 | not authorized by the Speaker without special leave granted by
 780 | the Speaker.

781 | (j) Rules & Calendar Council Exempt from Notice Deadline.
 782 | The Rules & Calendar Council shall be exempt from the notice
 783 | deadlines of this rule except when meeting to consider the
 784 | substance of legislation.

785 |

786 | 7.13—Amendment Deadlines in Council and Committee

787 | (a) Amendments may be offered in any council or committee
 788 | by any member of the House, subject to the following deadlines:

789 | (1) During the first 45 days of a regular session, an
 790 | amendment by a member who is not a member of the council or
 791 | committee considering the bill shall be filed by 6 p.m. of the
 792 | day (excluding Saturdays, Sundays, and official state holidays)
 793 | prior to the council or committee meeting.

794 | (2) After the 45th day of a regular session and during any
 795 | extended session, an amendment by a member who is not a member
 796 | of the council or committee considering the bill shall be filed
 797 | by 6 p.m. of the day (including Saturdays, Sundays, and official
 798 | state holidays) prior to the council or committee meeting.

799 | (3) During any special session, an amendment by a member
 800 | who is not a member of the council or committee considering the
 801 | bill shall be filed no later than 1 hour prior to the council or
 802 | committee meeting.

803 | (b) Notwithstanding the foregoing, subject to approval by
 804 | a majority vote of the House, the Rules & Calendar Council may
 805 | establish special amendment deadlines and procedures for

HR 10

2008

806 appropriations bills, implementing bills, and conforming bills,
 807 as defined in Rule 12.5.

808

809 7.14—Quorum of Council or Committee

810 A majority of any council's or committee's members shall
 811 constitute a quorum necessary for the transaction of business.
 812 An *ex officio* member shall not be counted for purposes of
 813 determining a quorum.

814

815 7.15—Meeting during House Sessions

816 No council or committee shall meet while the House is in session
 817 without special leave of the Speaker.

818

819 7.16—Voting in Council or Committee

820 (a) Every vote on final consideration of a bill in council
 821 or committee shall be taken by the yeas and nays, and the names
 822 of the members voting for and against, as well as the names of
 823 members absent, shall be recorded on the council or committee
 824 report. Upon the request of any two members, the vote of each
 825 member shall be recorded on any other question and all such
 826 votes shall be reported with the council or committee report.

827 (b) Absent members may submit an indication of how they
 828 would have voted had the member been present, but this shall not
 829 be counted on a roll call. Such votes after roll call shall be
 830 attached to the council or committee report when filed.

831

832 7.17—Reconsideration in Council or Committee

HR 10

2008

833 A motion for reconsideration in council or committee shall be
834 treated in the following manner:

835 (a) When a main question has been decided by a council or
836 committee, any member voting with the prevailing side, or any
837 member when the vote was a tie, may move for reconsideration.

838 (b) Any member voting on the prevailing side on passage or
839 defeat of a bill may, as a matter of right, serve notice that
840 the bill should be retained through the next council or
841 committee meeting for the purpose of reconsideration. Such
842 notice by an individual member may be set aside by adoption of a
843 motion to report the bill immediately, which shall require a
844 two-thirds vote. No bill may be retained under this provision
845 after the 40th day of a regular session or during any extended
846 or special session.

847 (c) A motion to reconsider a collateral matter must be
848 disposed of during the course of consideration of the main
849 subject to which it is related.

850 (d) If a bill has been retained under subsection (b), any
851 member may move for its reconsideration at the next meeting of
852 the council or committee.

853 (e) If the council or committee refuses to reconsider or,
854 upon reconsideration, confirms its prior decision, no further
855 motion to reconsider shall be in order except upon unanimous
856 consent of the council or committee members present.

857 (f) If a bill is not retained under subsection (b), it
858 shall be promptly reported to the Clerk.

859

860 7.18—Reports on Bills

HR 10

2008

861 | A council or committee may report a House bill unfavorably,
 862 | favorably, or favorably with a council or committee substitute.
 863 | A council or committee may report a Senate bill favorably,
 864 | favorably with one or more amendments, or unfavorably. A bill
 865 | may not be reported without recommendation. A motion to lay a
 866 | bill on the table shall be construed as a motion to report the
 867 | bill unfavorably.

868 |

869 | 7.19—Bill Reported Unfavorably by a Council or Committee

870 | A bill reported unfavorably by a council or committee shall be
 871 | laid on the table.

872 |

873 | 7.20—Council and Committee Substitutes

874 | A council or standing committee may introduce a council or
 875 | committee substitute embracing the same general subject matter
 876 | of one or more bills in possession of the council or committee.
 877 | If the original bill or bills are noticed, no further notice is
 878 | required. If a proposed council or committee substitute is
 879 | noticed in the manner required for a proposed council or
 880 | committee bill, the original bill or bills need not be noticed.
 881 | Upon the reporting of a council or committee substitute, the
 882 | original bill or bills shall be laid on the table of the House.
 883 | No later than the day (excluding Saturdays, Sundays, and
 884 | official state holidays) after it is reported by the council or
 885 | committee, a council or committee substitute shall be read a
 886 | first time and be subject to referral by the Speaker.

887 |

888 | 7.21—Subpoena Powers

HR 10

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889 The standing councils and committees of the House may exercise
890 subpoena power and issue other necessary legal process pursuant
891 to Rule 16.1.

892

893 7.22—Administration of Oaths

894 Whenever desired by a council or committee, the chair or any
895 other member of the council or committee may administer oaths
896 and affirmations in the manner prescribed by law to any witness
897 appearing before such council or committee for the purpose of
898 testifying in any matter about which such council or committee
899 may require sworn testimony, provided the record of a statement
900 made under oath in council or committee may not be used to
901 controvert a factual determination of the Legislature.

902

903 7.23—Procedure in Conference Committees

904 Conference committee meeting notices shall be published not less
905 than 2 hours prior to the time scheduled for the meeting,
906 provided that after the 50th day of the regular session and
907 during any extended or special session the notice period shall
908 be 1 hour prior to the time scheduled for the meeting. Each
909 conference committee may determine its own procedures and select
910 a member to preside, provided a majority of managers of each
911 house agree.

912

913 7.24—Open Meetings; Decorum

914 (a) All meetings of councils and committees shall be open
915 to the public at all times, subject always to the authority of
916 the chair to maintain order and decorum; however, when

HR 10

2008

917 reasonably necessary for security purposes or the protection of
 918 a witness, a chair, with the concurrence of the Speaker and the
 919 Minority Leader, may close a meeting or portion thereof, and the
 920 record of such meeting may not disclose the identity of any
 921 witness appearing before the council or committee during a
 922 closed session.

923 (b) The chair shall exercise all authority necessary to
 924 maintain order and decorum, including the authority to impose
 925 time limitations on testimony and presentations by non-members
 926 and to require all persons attending a council or committee
 927 meeting to silence all audible electronic equipment.

928

929 PART THREE—Oversight Powers and Responsibilities

930

931 7.25—Oversight Powers and Responsibilities of Standing Councils
 932 and Committees

933 (a) Each standing council and committee is authorized to
 934 exercise all powers authorized for committees pursuant to s.
 935 11.143, Florida Statutes, to carry out oversight
 936 responsibilities within its respective subject matter
 937 jurisdiction. For purposes of this rule, the Speaker shall
 938 determine the subject matter jurisdiction of each council and
 939 committee.

940 (b) Select committees shall exercise committee powers
 941 authorized by s. 11.143, Florida Statutes, whenever specifically
 942 authorized in writing by the Speaker.

HR 10

2008

943 (c) Each council and committee shall exercise other
 944 oversight powers and responsibilities vested in the House
 945 whenever specifically authorized by the Speaker.

946 (d) Each council and committee shall conduct other
 947 business as directed by the Speaker.

948
 949 RULE EIGHT—DEBATE AND CHAMBER PROTOCOL

950
 951 PART ONE—Privilege of the Floor

952
 953 8.1—Privilege of the Floor

954 (a) MEMBERS' ACCESS. Members of the House shall have the
 955 exclusive right to enter the Chamber during sessions, and no
 956 other person shall be admitted unless granted privilege of the
 957 floor as provided below.

958 (b) PRIVILEGED GUESTS. The Governor, the Lieutenant
 959 Governor, the Chief Financial Officer, the Attorney General, the
 960 Commissioner of Agriculture, members of the Senate, Justices of
 961 the Supreme Court, former members of the House, the Doctor of
 962 the Day, and the Guest Chaplain are granted the privilege of the
 963 floor; however, no registered lobbyist may be so admitted.

964 (c) EMPLOYEES' ADMISSION. House employees may be admitted
 965 to the Chamber as determined by the Speaker.

966 (d) OTHER GUESTS. Other guests may be granted the
 967 privilege of the floor by the Speaker or by the House.

968 (e) RESTRICTIONS ON NON-MEMBERS. Persons granted the
 969 privilege of the floor may not lobby the members while the House
 970 is in session, unless granted leave to address the House.

HR 10

2008

971 (f) SESSION ATTIRE. When the House is in session, all
 972 persons in the Chamber shall be dressed in proper business
 973 attire.

974

975 PART TWO—Speaking

976

977 8.2—Addressing the House; Requirements to Spread Remarks upon
 978 the *Journal*

979 (a) When a member desires to speak or deliver any matter
 980 to the House, the member shall rise and respectfully address the
 981 Speaker as "Mr. (or Madam) Speaker" and shall confine all
 982 remarks to the question under debate, avoiding personalities.
 983 Once recognized, a member may speak from the member's desk or
 984 may, with the Speaker's permission, speak from the well.

985 (b) Any motion to spread remarks upon the *Journal*, except
 986 those of the Governor or the Speaker, shall be referred to the
 987 Chair of the Rules & Calendar Council for recommendation before
 988 being put to the House.

989

990 8.3—When Two Members Rise at Once

991 When two or more members rise at once, the Speaker shall name
 992 the one who is to speak first. This decision shall be final and
 993 not open to debate or appeal.

994

995 8.4—Recognition of Members

996 There shall be no appeal of the Speaker's recognition, but the
 997 Speaker shall be governed by the rules and usage in priority of
 998 entertaining motions from the floor. When a member seeks

HR 10

2008

999 recognition, the Speaker may ask, "For what purpose does the
1000 member rise?" or "For what purpose does the member seek
1001 recognition?"

1002
1003 8.5—Recognition of Gallery Visitors and Doctor of the Day
1004 On written request by a member, on a form prescribed by the
1005 Clerk, the Speaker may recognize or permit the member to
1006 recognize any person or persons in the gallery. After granting a
1007 request for recognition, the Speaker shall afford that
1008 recognition at a convenient place in the order of business,
1009 considering the need for order and decorum and the need for
1010 continuity of debate. At an appropriate time during proceedings
1011 on the floor, the Speaker may recognize a Doctor of the Day.

1012
1013 PART THREE—Debate

1014
1015 8.6—Decorum
1016 The members shall attend to the debates unless necessarily
1017 prevented, and no member shall stand between the Speaker and a
1018 member recognized to speak.

1019
1020 8.7—Speaking and Debate; Right to Close
1021 A member may not speak more than once nor occupy more than 15
1022 minutes in debate on any question. A member who has the floor
1023 may not be interrupted by another member for any purpose, save
1024 the privilege of the House, unless he or she consents to yield
1025 to the other member. A member desiring to interrupt another in
1026 debate should first address the Speaker for the permission of

HR 10

2008

1027 | the member speaking. The Speaker shall then ask the member who
 1028 | has the floor if he or she wishes to yield and shall then
 1029 | announce the decision of that member. Whether to yield shall be
 1030 | entirely within the speaking member's discretion. This
 1031 | subsection shall not, however, deprive the first-named sponsor
 1032 | or mover of the right to close when the effect of an amendment
 1033 | or motion would be to foreclose favorable action on the bill,
 1034 | amendment, or motion.

1035

1036 | 8.8—Asking Questions of Members

1037 | It is entirely within a speaking member's discretion whether to
 1038 | yield to a question. The proper purpose of a question is to
 1039 | obtain information in good faith, not for the questioner to
 1040 | supply information to the body. Neither a question nor an answer
 1041 | to a question may contain arguments or debate.

1042

1043 | 8.9—Right to Open and Close Debate

1044 | The member presenting a motion shall have the right to open and
 1045 | close the debate and, for this purpose, may speak each time up
 1046 | to 10 minutes, unless otherwise limited by majority vote of the
 1047 | House, notwithstanding the limitation in Rule 8.7.

1048

1049 | PART FOUR—Materials and Meals in Chamber

1050

1051 | 8.10—Distribution of Materials in Chamber; Meals in Chamber

1052 | (a) The following constitutes policy regarding material
 1053 | distributed to the general membership through the Sergeant at
 1054 | Arms' Office and pages:

HR 10

2008

1055 (1) All material prior to such distribution must be
 1056 approved by the Chair of the Rules & Calendar Council.

1057 (2) The following official materials are approved: House
 1058 and Senate bills, resolutions, memorials, and amendments
 1059 thereto, and official calendars and journals; council and
 1060 committee meeting notices; communications from the Speaker and
 1061 Clerk and official communications from the Senate; and official
 1062 staff reports of standing or select councils or committees or of
 1063 the majority or minority party.

1064 (b) While members may consume nonalcoholic beverages on
 1065 the floor, meals will not be allowed on the floor without
 1066 concurrence of a majority vote.

1067

1068 PART FIVE—Miscellaneous Papers

1069

1070 8.11—Miscellaneous Papers

1071 Papers of a miscellaneous nature addressed to the House may, at
 1072 the discretion of the Speaker, be read, noted in the *Journal*, or
 1073 filed with the appropriate council or committee. When the
 1074 reading of a paper other than one upon which the House is called
 1075 to give a final vote is demanded and such reading is objected to
 1076 by any member, whether the paper shall be read shall be
 1077 determined without debate by the House by a majority vote.

1078

1079 RULE NINE—VOTING

1080

1081 9.1—Members Shall Vote

HR 10

2008

1082 Every member shall be within the Chamber during its sittings,
1083 unless excused or necessarily prevented, and shall vote on each
1084 question put.

1085

1086 9.2—Taking the Yeas and Nays

1087 The Speaker shall declare all votes, but if any member rises to
1088 doubt a vote, upon a showing of hands by five members, the
1089 Speaker shall take the sense of the House by oral or electronic
1090 roll call. When taking the yeas and nays on any question, the
1091 electronic roll-call system may be used and when so used shall
1092 have the force and effect of a roll call taken as provided in
1093 these rules. This system likewise may be used to determine the
1094 presence of a quorum. When the House is ready to vote upon a
1095 question requiring roll call, and the vote is by electronic roll
1096 call, the Speaker shall say, "The question now recurs on
1097 (designating the matter to be voted upon). The Clerk will unlock
1098 the machine and the House will proceed to vote." When sufficient
1099 time has elapsed for each member to vote, the Speaker shall ask,
1100 "Have all members voted?" After a short pause, the Speaker shall
1101 say, "The Clerk will lock the machine and record the vote." When
1102 the vote is completely recorded, the Speaker shall announce the
1103 result to the House, and the Clerk shall record the action upon
1104 the *Journal*.

1105

1106 9.3—Vote of the Speaker or Temporary Presiding Officer

1107 The Speaker or temporary presiding officer is not required to
1108 vote in legislative proceedings other than on final passage of a
1109 bill, except when the Speaker's or temporary presiding officer's

HR 10

2008

1110 | vote would be decisive. In all yea and nay votes, the Speaker's
1111 | or temporary presiding officer's name shall be called last. With
1112 | respect to voting, the Speaker or temporary presiding officer is
1113 | subject to the same disqualification and disclosure requirements
1114 | as any other member.

1115

1116 | 9.4—Votes After Roll Call; Finality of a Roll Call Vote

1117 | (a) After the result of a roll call has been announced, a
1118 | member may submit to the Clerk an indication of how the member
1119 | would have voted or would have voted differently. The Clerk
1120 | shall provide forms for the recording of these actions. When
1121 | timely made, these requests shall be shown beneath the roll call
1122 | in the *Journal*. Otherwise, the request shall be shown separately
1123 | in the *Journal*.

1124 | (b) In no instance, other than by reason of an electronic
1125 | or mechanical malfunction, shall the result of a voting machine
1126 | roll call on any question be changed.

1127

1128 | 9.5—No Member to Vote for Another except by Request and
1129 | Direction

1130 | (a) No member may vote for another member except at the
1131 | other member's specific request and direction. No member may
1132 | vote for another member who is absent from the Chamber, nor may
1133 | any person who is not a member cast a vote for a member.

1134 | (b) In no case shall a member vote for another on a quorum
1135 | call.

1136 | (c) Any member who votes or attempts to vote for another
1137 | member in violation of this rule or who requests another member

HR 10

2008

1138 | to vote for the requesting member in violation of this rule may
 1139 | be disciplined in such a manner as the House may deem proper.

1140 | (d) Any person who is not a member and who votes in the
 1141 | place of a member shall be subject to such discipline as the
 1142 | House may deem proper.

1143 |
 1144 | 9.6—Explanation of Vote

1145 | A member may not explain his or her vote during a roll call, but
 1146 | may reduce his or her explanation to writing, in not more than
 1147 | 200 words in an electronic format. Upon being filed with the
 1148 | Clerk, this explanation shall be spread upon the *Journal*.

1149 |
 1150 | RULE TEN—ORDER OF BUSINESS AND CALENDARS

1151 |
 1152 | PART ONE—Order of Business

1153 |
 1154 | 10.1—Daily Sessions

1155 | The House shall meet each legislative day at 9 a.m. or as stated
 1156 | in the motion adjourning the House on the prior legislative day
 1157 | on which the House met.

1158 |
 1159 | 10.2—Daily Order of Business

1160 | (a) When the House convenes on a new legislative day, the
 1161 | daily order of business shall be as follows:

- 1162 | (1) Call to Order.
- 1163 | (2) Prayer.
- 1164 | (3) Roll Call.
- 1165 | (4) Pledge of Allegiance.

HR 10

2008

- 1166 (5) Correction of the *Journal*.
- 1167 (6) Communications.
- 1168 (7) Messages from the Senate.
- 1169 (8) Reports of Standing Councils and Committees.
- 1170 (9) Reports of Select Committees.
- 1171 (10) Motions Relating to Council and Committee References.
- 1172 (11) Matters on Reconsideration.
- 1173 (12) Bills and Joint Resolutions on Third Reading.
- 1174 (13) Special Orders.
- 1175 (14) House Resolutions.
- 1176 (15) Unfinished Business.
- 1177 (16) Introduction and Reference.

1178 (b) During special sessions, the order of business of
 1179 Introduction and Reference shall be called for immediately
 1180 following the order of business of Correction of the *Journal*.

1181 (c) Within each order of business, matters shall be
 1182 considered in the order in which they appear on the daily
 1183 printed Calendar of the House.

1184 (d) After the 45th day of a regular session, by a majority
 1185 vote, the House may, on motion of the Chair or Vice Chair of the
 1186 Rules & Calendar Council, move to Communications, Messages from
 1187 the Senate, Bills and Joint Resolutions on Third Reading, or
 1188 Special Orders. The motion may provide which matter on such
 1189 order of business may be considered.

1190

1191 10.3—Chaplain to Offer Prayer

1192 A chaplain shall attend at the beginning of each day's sitting
 1193 of the House and open the same with prayer. In the absence of a

HR 10

2008

1194 chaplain, the Speaker may designate someone else to offer
 1195 prayer.

1196
 1197 10.4—Quorum

1198 A majority of the membership of the House shall constitute a
 1199 quorum to conduct business.

1200
 1201 10.5—Consideration of Senate Messages: Generally

1202 Senate messages may be considered by the House at the time and
 1203 in the order determined by the Speaker.

1204
 1205 PART TWO—Readings

1206
 1207 10.6—"Reading" Defined

1208 "Reading" means the stage of consideration of a bill,
 1209 resolution, or memorial after reading of a portion of the title
 1210 sufficient for identification, as determined by the Speaker.

1211
 1212 10.7—Reading of Bills and Joint Resolutions

1213 Each bill and each joint resolution shall be read on 3 separate
 1214 days prior to a vote upon final passage unless this rule is
 1215 waived by a two-thirds vote, provided the publication of a bill
 1216 or joint resolution by its title in the *Journal* shall satisfy
 1217 the requirements of first reading.

1218
 1219 10.8—Reading of Concurrent Resolutions and Memorials

1220 Concurrent resolutions and memorials shall be read on 2 separate
 1221 days prior to a voice vote upon adoption, except that concurrent

HR 10

2008

1222 resolutions extending a legislative session or involving other
 1223 procedural legislative matters may be read twice without motion
 1224 on the same legislative day.

1225
 1226 10.9—Reading of House Resolutions

1227 (a) A House resolution shall receive two readings by title
 1228 only prior to a voice vote upon adoption.

1229 (b) Ceremonial resolutions may be shown as read and
 1230 adopted by publication in full in the *Journal* in accordance with
 1231 Rule 10.16.

1232
 1233 10.10—Measures on Third Reading

1234 (a) Bills on third reading shall be taken up in the order
 1235 in which the House concluded action on them on second reading.

1236 (b) Before any bill shall be read the third time, whether
 1237 amended or not, it shall be referred without motion to the
 1238 Engrossing Clerk for examination and, if amended, the engrossing
 1239 of amendments. In the case of any Senate bill amended in the
 1240 House, the amendment adopted shall be reproduced and attached to
 1241 the bill amended in such manner that it will not be lost
 1242 therefrom.

1243 (c) A bill shall be deemed on its third reading when it
 1244 has been read a second time on a previous day and has no motion
 1245 left pending.

1246
 1247 PART THREE—Calendars

1248
 1249 10.11—Special Order Calendar

HR 10

2008

1250 (a) Regular Session

1251 (1) The Rules & Calendar Council shall periodically
 1252 submit, as needed, a Special Order Calendar determining the
 1253 sequence for consideration of legislation. The Special Order
 1254 Calendar may include bills on second reading, bills on
 1255 unfinished business, resolutions, and specific sections for
 1256 local bills, trust fund bills, and bills to be taken up at a
 1257 time certain. Upon adoption of a Special Order Calendar, no
 1258 other bills shall be considered for the time period set forth
 1259 for that Special Order Calendar, except that any bill appearing
 1260 on that Special Order Calendar may be stricken from it by a
 1261 majority vote or any bill may be added to it pursuant to Rule
 1262 10.12. A previously adopted Special Order Calendar shall expire
 1263 upon adoption by the House of a new Special Order Calendar.

1264 (2) Any council, committee, or member may apply in writing
 1265 to the Chair of the Rules & Calendar Council to place a bill on
 1266 the Special Order Calendar. The Rules & Calendar Council may
 1267 grant such requests by a majority vote.

1268 (3) During the first 55 days of a regular session, the
 1269 Special Order Calendar shall be published in two Calendars of
 1270 the House, and it may be taken up on the day of the second
 1271 published Calendar. After the 55th day of a regular session, the
 1272 Special Order Calendar shall be published in one Calendar of the
 1273 House and may be taken up on the day the Calendar is published.

1274 (b) Extended or Special Session.

1275 (1) If the Legislature extends a legislative session, all
 1276 bills on the Calendar of the House at the time of expiration of

HR10

2008

1277 | the regular session shall be placed in the Rules & Calendar
 1278 | Council.

1279 | (2) During any extended or special session, all bills upon
 1280 | being reported favorably by the last council of reference shall
 1281 | be placed in the Rules & Calendar Council.

1282 | (3) During any extended or special session, the Rules &
 1283 | Calendar Council shall establish a Special Order Calendar and
 1284 | only those bills on such Special Order Calendar shall be placed
 1285 | on the Calendar of the House.

1286 | (4) During any extended or special session, the Special
 1287 | Order Calendar shall be published in one Calendar of the House
 1288 | and bills thereon may be taken up on the day the Calendar is
 1289 | published.

1290 | (c) Special Floor Procedures. The Rules & Calendar Council
 1291 | may recommend special floor procedures for the management of
 1292 | amendments and debate on a particular bill, on second and third
 1293 | readings, which procedures may include limitations on amendments
 1294 | and debate. Such procedures may not be implemented unless
 1295 | approved by a two-thirds vote in session.

1296 |
 1297 | 10.12—Consideration of Bills Not on Special Order
 1298 | A bill not included on the Special Order Calendar may be
 1299 | considered by the House upon a two-thirds vote.

1300 |
 1301 | 10.13—Consent Calendar
 1302 | The Rules & Calendar Council may submit Consent Calendar
 1303 | procedures to expedite the consideration of noncontroversial
 1304 | legislation.

HR 10

2008

1305
 1306 10.14—Requirements for Placement on Special Order
 1307 No measure may be placed on a Special Order Calendar until it
 1308 has been reported favorably by each council and committee of
 1309 reference and is available for consideration on the floor.

1310
 1311 10.15—Informal Deferral of Bills
 1312 Whenever the member who introduced a bill or the first-named
 1313 member sponsor of a council or committee bill is absent from the
 1314 Chamber when the bill has been reached in the regular order on
 1315 second or third reading, consideration shall be informally
 1316 deferred until such member's return, unless another member
 1317 consents to offer the bill on behalf of the original member. The
 1318 bill shall retain its position on the Calendar of the House
 1319 during the same legislative day. The member shall have the
 1320 responsibility of making the motion for its subsequent
 1321 consideration.

1322
 1323 PART FOUR—Ceremonial Resolutions

1324
 1325 10.16—Ceremonial Resolutions Published in *Journal*
 1326 Upon approval of the Chair of the Rules & Calendar Council, a
 1327 ceremonial resolution may be shown as read and adopted by
 1328 publication in full in the *Journal*. The Rules & Calendar Council
 1329 shall distribute a list of such resolutions 1 day (excluding
 1330 Saturdays, Sundays, and official state holidays) prior to the
 1331 day of their publication, during which time any member may file
 1332 an objection with the Rules & Calendar Council to any resolution

HR 10

2008

1333 listed. Each resolution for which an objection has been filed
 1334 shall be removed from the list and placed on the Calendar of the
 1335 House. All resolutions without objections shall be printed on
 1336 the next legislative day in the *Journal* and considered adopted
 1337 by the House.

1339 PART FIVE—Procedural Limitations in Final Week

1341 10.17—Consideration Limits to Bills after Day 55

1342 After the 55th day of a regular session, no House bills on
 1343 second reading may be taken up and considered by the House.

1345 10.18—Consideration Limits after Day 58

1346 After the 58th day of a regular session, the House may consider
 1347 only:

- 1348 (a) Senate messages.
- 1349 (b) Conference reports.
- 1350 (c) Concurrent resolutions.

1352 RULE ELEVEN—MOTIONS

1354 11.1—Motions; How Made

1355 Every motion shall be made orally, except when requested by the
 1356 Speaker to be reduced to writing.

1358 11.2—Precedence of Motions During Debate

1359 (a) When a question is under debate, the Speaker shall
 1360 receive no motion except:

HR 10

2008

- 1361 (1) To adjourn at a time certain.
- 1362 (2) To adjourn.
- 1363 (3) To recess to a time certain.
- 1364 (4) To lay on the table.
- 1365 (5) To reconsider.
- 1366 (6) For the previous question.
- 1367 (7) To limit debate.
- 1368 (8) To temporarily postpone.
- 1369 (9) To postpone to a time or day certain.
- 1370 (10) To refer to or to recommit to council or committee.
- 1371 (11) To amend.
- 1372 (12) To amend by removing the enacting or resolving
- 1373 clause.

1374 (b) Such motions shall have precedence in the descending
 1375 order given.

1376

1377 11.3—Questions of Order Decided without Debate

1378 The Speaker shall decide, without debate, all procedural
 1379 questions of order that arise when a motion is before the House
 1380 or on appeal.

1381

1382 11.4—Division of Question

1383 If a question before the House is susceptible of separation into
 1384 two or more parts, any member may call for a division of the
 1385 question so that each part may be voted on separately. However,
 1386 a motion to remove and insert cannot be divided.

1387

1388 11.5—Motion to Recess to a Time Certain

HR 10

2008

1389 A motion to recess to a time certain shall be treated the same
1390 as a motion to adjourn, except that the motion is debatable when
1391 no business is before the House and can be amended as to the
1392 time to recess and duration of the recess. It yields only to a
1393 motion to adjourn.

1394

1395 11.6—Motion to Lay on the Table

1396 A motion to lay on the table is not debatable and cannot be
1397 amended; however, before the motion is put, the first-named
1398 sponsor of a bill or the mover of a debatable motion shall be
1399 allowed 5 minutes within which to discuss the same and may
1400 divide the time with, or waive this right in favor of, some
1401 other member. A motion to table a main question requires a
1402 majority vote. A motion to lay an amendment on the table, if
1403 adopted, does not carry with it the measure to which it adheres.
1404 A motion to lay an amendment on the table may be adopted by a
1405 majority vote.

1406

1407 11.7—Motion to Reconsider; Immediate Certification of Bills

1408 (a) When a motion or main question has been made and
1409 carried or lost, it shall be in order at any time as a matter of
1410 right on the same or succeeding legislative day for a member
1411 voting with the prevailing side, or for any member in the case
1412 of a voice or tie vote, to move for reconsideration thereof.

1413 (b) When a majority of members vote in the affirmative but
1414 the proposition is lost because it is one in which the
1415 concurrence of a greater number than a majority is necessary for
1416 adoption or passage, any member may move for a reconsideration.

HR 10

2008

1417 (c) The motion to reconsider shall require a majority vote
1418 for adoption, and such motion shall not be renewed on any
1419 proposition after once being considered by vote of the House,
1420 except by unanimous consent.

1421 (d) Debate shall be allowed on a motion to reconsider only
1422 when the question that it is proposing to reconsider is
1423 debatable. When debate upon a motion to reconsider is in order,
1424 no member shall speak thereon more than once or for more than 5
1425 minutes.

1426 (e) The adoption of a motion to reconsider a vote upon any
1427 secondary matter shall not remove the main subject under
1428 consideration from consideration of the House.

1429 (f) A motion to reconsider a collateral matter must be
1430 disposed of at once during the course of the consideration of
1431 the main subject to which it is related, and such motion shall
1432 be out of order after the House has passed to other business.

1433 (g) No bill referred or recommitted to a council or
1434 committee by a vote of the House shall be brought back into the
1435 House on a motion to reconsider.

1436 (h) The Clerk shall retain possession of all bills and
1437 joint resolutions for the period after passage during which
1438 reconsideration may be moved, except that local bills,
1439 concurrent resolutions, and memorials shall be transmitted to
1440 the Senate without delay.

1441 (i) The adoption of a motion to waive the rules and
1442 immediately certify any bill to the Senate shall be construed as
1443 releasing the measure from the Clerk's possession for the period
1444 of reconsideration.

HR 10

2008

1445 (j) Unless otherwise directed by the Speaker, during the
1446 last 14 days of a regular session or any extension thereof and
1447 during any special session, all measures acted on by the House
1448 shall be transmitted to the Senate without delay.

1449

1450 11.8—Motion for the Previous Question

1451 (a) The previous question may be asked and ordered upon
1452 any debatable single motion, series of motions, or amendment
1453 pending and the effect thereof shall be to conclude all action
1454 on the same day. If third reading is reached on another day, the
1455 order for the previous question must be renewed on that day.

1456 (b) The motion for the previous question shall be decided
1457 without debate. If the motion prevails, the sponsor of a bill or
1458 debatable motion and an opponent shall be allowed 3 minutes each
1459 within which to debate the pending question, and each may divide
1460 the time with, or waive this right in favor of, some other
1461 member. On second reading, the final available question is the
1462 main amendment; on third reading, it is the bill.

1463 (c) When the motion for the previous question is adopted
1464 on a main question, the sense of the House shall be taken
1465 without delay on pending amendments and such question in the
1466 regular order.

1467 (d) The motion for the previous question may not be made
1468 by the first-named sponsor or mover.

1469

1470 11.9—Motion to Limit Debate

1471 When there is debate by the House, it shall be in order for a
1472 member to move to limit debate and such motion shall be decided

HR 10

2008

1473 without debate, except that the first-named sponsor or mover of
1474 the question under debate shall have 5 minutes within which to
1475 discuss the motion and may divide the allotted time with, or
1476 waive it in favor of, some other member. If, by majority vote,
1477 the question is decided in the affirmative, debate shall be
1478 limited to 10 minutes for each side, unless a greater time is
1479 stated in the motion, such time to be apportioned by the
1480 Speaker; however, the first-named sponsor or mover shall have an
1481 additional 5 minutes within which to close the debate and may
1482 divide the allotted time with, or waive it in favor of, some
1483 other member.

1484

1485 11.10—Motion to Temporarily Postpone

1486 The motion to temporarily postpone shall be decided without
1487 debate and shall cause a measure to be set aside but retained on
1488 the desk. If a main question has been temporarily postponed
1489 after having been debated or after motions have been applied and
1490 is not brought back before the House on the same legislative
1491 day, it shall be placed under the order of unfinished business
1492 on the Calendar of the House. If a main question is temporarily
1493 postponed before debate has commenced or motions have been
1494 applied, its reading shall be considered a nullity and the bill
1495 shall retain its original position on the order of business. The
1496 motion to return to consideration of a temporarily postponed
1497 main question shall be made under the proper order of business
1498 when no other matter is pending. If applied to a collateral
1499 matter, the motion to temporarily postpone shall not cause the
1500 main question to be carried with it. After having been

HR 10

2008

1501 temporarily postponed, if a collateral matter is not brought
1502 back before the House in the course of consideration of the
1503 adhering or main question, it shall be deemed abandoned.

1504

1505 11.11-Motion to Withdraw or Refer a Bill

1506 (a) A motion to withdraw a bill from a council or
1507 committee shall require a two-thirds vote.

1508 (b) Any member may, no later than under the order of
1509 business of Motions Relating to Council and Committee References
1510 on the legislative day following reference of a bill, move for
1511 reference from one council or committee to a different council
1512 or committee, which shall be decided by a majority vote.

1513 (c) A motion to refer a bill from one council or committee
1514 to another council or committee, other than as provided in
1515 subsection (b), may be made during the regular order of business
1516 and shall require a two-thirds vote.

1517 (d) A motion to refer a bill to an additional council or
1518 committee may be made during the regular order of business and
1519 shall require a two-thirds vote.

1520 (e) A motion to refer shall be debated only as to the
1521 propriety of the reference.

1522 (f) A motion to withdraw a bill from further consideration
1523 of the House shall require a two-thirds vote.

1524 (1) The Chair or Vice Chair of the Rules & Calendar
1525 Council, at the request of the first-named member sponsor, may
1526 move for the withdrawal of a bill from further consideration.

1527 (2) The first-named member sponsor of a bill may, prior to
1528 its introduction, withdraw the bill by letter to the Clerk.

HR 10

2008

1529 (3) In moving for the withdrawal of a bill from further
 1530 consideration by floor motion, the introducer shall be required
 1531 to identify the nature of the bill.

1532
 1533 11.12—Motion to Refer or Recommit

1534 (a) Any bill on the Calendar of the House may be referred
 1535 or recommitted by the House to a council or committee by a
 1536 majority vote.

1537 (b) A motion to refer or recommit a bill that is before
 1538 the House may be made during the regular order of business. The
 1539 motion shall be debatable only as to the propriety of that
 1540 reference and shall require an affirmative majority vote.

1541 (c) If a bill on third reading is referred or recommitted
 1542 to a council or committee that subsequently reports the bill
 1543 favorably with a council or committee substitute or with one or
 1544 more amendments, the bill shall return to second reading.

1545 (d) Referral or recommitment of a House bill shall
 1546 automatically carry with it a Senate companion bill then on the
 1547 Calendar of the House.

1548
 1549 11.13—Dilatory Motions

1550 Dilatory or delaying motions shall not be in order as determined
 1551 by the Speaker.

1552
 1553 11.14—Withdrawal of Motion

1554 The mover of a motion may withdraw the motion at any time before
 1555 it has been amended or a vote on it has commenced.

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HR 10

2008

RULE TWELVE—AMENDMENTS

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12.1—Form

Floor amendments and council and committee substitutes shall be prepared by the House Bill Drafting Service and filed with the Clerk.

12.2—Filing Deadlines for Floor Amendments

(a) During the first 55 days of a regular session:

(1) Main floor amendments must be approved for filing with the Clerk by 2 p.m. of the first day a bill appears on the Special Order Calendar in the Calendar of the House; and

(2) Amendments to main floor amendments and substitute amendments for main floor amendments must be approved for filing by 5 p.m. of the same day.

(b) After the 55th day of a regular session and during any extended or special session:

(1) Main floor amendments must be approved for filing with the Clerk not later than 2 hours before session is scheduled to convene on the day a bill appears on the Special Order Calendar in the Calendar of the House; and

(2) Amendments to main floor amendments and substitute amendments for main floor amendments must be approved for filing not later than 1 hour after the main floor amendment deadline.

(c) A late-filed floor amendment may be taken up for consideration only upon motion adopted by a two-thirds vote.

(d) Notwithstanding the foregoing, subject to approval by a majority vote of the House, the Rules & Calendar Council may

HR 10

2008

1585 establish special amendment deadlines and procedures for
 1586 appropriations bills, implementing bills, and conforming bills.

1587
 1588 12.3—Presentation and Consideration

1589 (a) Amendments shall be taken up only as sponsors gain
 1590 recognition from the Speaker to move their adoption, except that
 1591 the chair of the council or committee (or any member thereof
 1592 designated by the chair) reporting the measure under
 1593 consideration shall have preference for the presentation of
 1594 council or committee amendments to Senate bills.

1595 (b) An amendment to a pending main amendment may be
 1596 received, but until it is disposed of no other motion to amend
 1597 will be in order except a substitute amendment or an amendment
 1598 to the substitute. Such amendments are to be disposed of in the
 1599 following order:

1600 (1) Amendments to the amendment are voted on before the
 1601 substitute is taken up. Only one amendment to the amendment is
 1602 in order at a time.

1603 (2) Amendments to the substitute are next voted on.

1604 (3) The substitute then is voted on. The adoption of a
 1605 substitute amendment in lieu of an original amendment shall be
 1606 treated and considered as an amendment to the bill itself.

1607
 1608 [INSERT GRAPHIC ON AMENDMENT LEVELS]

1609
 1610 (c) The adoption of an amendment to a section shall not
 1611 preclude further amendment of that section. If a bill is being

HR 10

2008

1612 considered section by section or item by item, only amendments
 1613 to the section or item under consideration shall be in order.

1614 (d) For the purpose of this rule, an amendment shall be
 1615 deemed pending only after its proposer has been recognized by
 1616 the Speaker and has moved its adoption.

1617 (e) Reviser's bills may be amended only by making
 1618 deletions.

1619

1620 12.4—Second and Third Reading; Vote Required on Third Reading

1621 (a) A motion to amend is in order during the second or
 1622 third reading of any bill.

1623 (b) Amendments proposed on third reading shall require a
 1624 two-thirds vote for adoption, except that technical amendments
 1625 introduced in the name of the Rules & Calendar Council shall
 1626 require a majority vote for adoption. Amendments on third
 1627 reading, other than technical amendments introduced in the name
 1628 of the Rules & Calendar Council, must be approved for filing not
 1629 later than 1 hour before session is scheduled to convene on the
 1630 day the bill is reached on third reading.

1631 (c) A motion for reconsideration of an amendment on third
 1632 reading requires a two-thirds vote for adoption.

1633

1634 12.5—Amendment of Appropriations Bills, Implementing Bills, and
 1635 Conforming Bills

1636 (a) For purposes of these rules:

1637 (1) An "appropriations bill" is the General Appropriations
 1638 Act and any other bill the title text of which begins "An act
 1639 making appropriations," "An act making special appropriations,"

HR 10

2008

1640 or "An act making supplemental appropriations."

1641 (2) An "implementing bill" is a bill, effective for one
1642 fiscal year, implementing an appropriations bill.

1643 (3) A "conforming bill" is a bill designated as such by
1644 the Speaker that amends the Florida Statutes to conform to an
1645 appropriations bill.

1646 (b) Whether on the floor or in any council or committee,
1647 whenever an amendment is offered to an appropriations bill that
1648 would either increase any state appropriation or decrease any
1649 state revenue for any fund, such amendment shall show the amount
1650 of the appropriation increase or revenue decrease for a fund by
1651 line item and by section and shall decrease an appropriation
1652 from within the same appropriations allocation and sub-
1653 allocation (as determined by the Speaker) or increase a revenue
1654 to the fund in an amount equivalent to or greater than the
1655 corresponding appropriation increase or revenue decrease
1656 required by the amendment.

1657 (c) Whether on the floor or in any council or committee,
1658 an amendment offered to an implementing bill or to a conforming
1659 bill shall not increase a state appropriation to a level that is
1660 in excess of the allocations or sub-allocations determined by
1661 the Speaker for a fund.

1662 (d) Whether on the floor or in any council or committee,
1663 any amendment offered to an implementing bill or to a conforming
1664 bill that reduces revenues supporting appropriations must raise
1665 the equivalent or greater revenue for the same fund from other
1666 sources.

1667

HR 10

2008

1668 12.6—Consideration of Senate Amendments

1669 (a) After the reading of a Senate amendment to a House
 1670 bill, the following motions shall be in order and shall be
 1671 privileged in the order named:

1672 (1) Amend the Senate amendment.

1673 (2) Concur in the Senate amendment.

1674 (3) Refuse to concur and ask the Senate to recede.

1675 (4) Request the Senate to recede and, if the Senate
 1676 refuses to recede, to appoint a conference committee to meet
 1677 with a like committee appointed by the Speaker.

1678 (b) If the Senate refuses to concur in a House amendment
 1679 to a Senate bill, the following motions shall be in order and
 1680 shall be privileged in the order named:

1681 (1) That the House recede.

1682 (2) That the House insist and ask for a conference
 1683 committee.

1684 (3) That the House insist.

1685 (c) The Speaker may, upon determining that a Senate
 1686 amendment substantially changes the bill as passed by the House,
 1687 refer the Senate message, with the bill and Senate amendment or
 1688 amendments, to the appropriate House council or committee for
 1689 review and report to the House. The Speaker, upon such
 1690 reference, shall announce the date and time for the council or
 1691 committee to meet. The council or committee shall report to the
 1692 House the recommendation for disposition of the Senate amendment
 1693 or amendments under one of the four options presented in
 1694 subsection (a). The report shall be furnished to the Clerk and

HR 10

2008

1695 | to the House, in writing, by the chair of the reporting council
 1696 | or committee.

1697 |
 1698 | 12.7—Motion to Amend by Removing Enacting or Resolving Clause
 1699 | An amendment to remove the enacting clause of a bill or the
 1700 | resolving clause of a resolution or memorial shall, if carried,
 1701 | be considered equivalent to rejection of the bill, resolution,
 1702 | or memorial by the House.

1703 |
 1704 | 12.8—Germanity of House Amendments

1705 | (a) GERMANITY

1706 | (1) Neither the House nor any council or committee shall
 1707 | consider an amendment that relates to a different subject or is
 1708 | intended to accomplish a different purpose than that of the
 1709 | pending question or that, if adopted, would require a title
 1710 | amendment for the bill that is substantially different from the
 1711 | bill's original title or that would unreasonably alter the
 1712 | nature of the bill.

1713 | (2) The Speaker, or the chair in the case of an amendment
 1714 | offered in council or committee, shall determine the germanity
 1715 | of any amendment when the question is timely raised.

1716 | (3) An amendment of the second degree or a substitute
 1717 | amendment must be germane to both the main amendment and the
 1718 | measure to which it adheres.

1719 | (b) AMENDMENTS THAT ARE NOT GERMANE. House amendments that
 1720 | are not germane include:

1721 | (1) A general proposition amending a specific proposition.

HR 10

2008

1722 (2) An amendment amending a statute or session law when
 1723 the purpose of the bill is limited to repealing such law, or an
 1724 amendment repealing a statute or session law when the purpose of
 1725 the bill is limited to amending such law.

1726 (3) An amendment that substantially expands the scope of
 1727 the bill.

1728 (4) An amendment to a bill when legislative action on that
 1729 bill is by law or these rules limited to passage, concurrence,
 1730 or nonconcurrence as introduced.

1731 (c) AMENDMENTS THAT ARE GERMANE. Amendments that are
 1732 germane include:

1733 (1) A specific provision amending a general provision.

1734 (2) An amendment that accomplishes the same purpose in a
 1735 different manner.

1736 (3) An amendment limiting the scope of the proposal.

1737 (4) An amendment providing appropriations necessary to
 1738 fulfill the original intent of a proposal.

1739 (5) An amendment that changes the effective date of a
 1740 repeal, reduces the scope of a repeal, or adds a short-term
 1741 nonstatutory transitional provision to facilitate repeal.

1742 (d) WAIVER OF RULE. Waiver of this rule shall require
 1743 unanimous consent of the House.

1744

1745 12.9—Amendments Out of Order

1746 An amendment is out of order if it is the principal substance of
 1747 a bill that has:

1748 (a) Received an unfavorable council or committee report,

1749 (b) Been withdrawn from further consideration, or

HR 10

2008

1750 (c) Not been reported favorably by at least one council or
 1751 committee of reference,
 1752
 1753 and may not be offered to a bill on the Calendar of the House
 1754 and under consideration by the House. Any amendment that is
 1755 substantially the same, and identical as to specific intent and
 1756 purpose, as the measure residing in a council or committee of
 1757 reference is covered by this rule.

1758
 1759 12.10—Printing of Amendments in *Journal*
 1760 All amendments taken up, unless withdrawn, shall be printed in
 1761 the *Journal*, except that an amendment to an appropriations bill
 1762 constituting an entirely new bill shall not be printed except
 1763 upon consideration of the conference committee report.

1764
 1765 **RULE THIRTEEN—RULES**

1766
 1767 13.1—Parliamentary Authorities
 1768 In all cases not provided for by the Florida Constitution, the
 1769 Rules of the House, or the Joint Rules of the Senate and House,
 1770 the guiding, but nonbinding, authority shall be first the
 1771 Rulings of the Speaker and then the latest edition of *Mason's*
 1772 *Manual of Legislative Procedure*.

1773
 1774 13.2—Standing Rules Amendment
 1775 Any standing rule may be rescinded or changed by a majority vote
 1776 of the members, provided that the proposed change or changes be
 1777 submitted at least 1 day in advance by the Rules & Calendar

HR 10

2008

1778 Council in writing to the members together with notice of the
 1779 consideration thereof. Any standing rule may be suspended
 1780 temporarily by a two-thirds vote of the members present, except
 1781 as otherwise provided in these rules.

1782

1783 13.3—Rules Apply for Term

1784 The standing rules adopted after the beginning of the term
 1785 govern all acts of the House during the course of the term
 1786 unless amended or repealed.

1787

1788 13.4—Joint Rules

1789 The House shall be governed by joint rules approved by the House
 1790 and Senate during the term. Such joint rules may not be waived
 1791 except by agreement of both the House and Senate. A majority
 1792 vote of the House is required for such agreement.

1793

1794 13.5—Authority and Interpretation

1795 These rules are adopted pursuant to the specific authority
 1796 granted and the inherent powers vested in the House of
 1797 Representatives by the Florida Constitution. These rules are
 1798 intended to facilitate the orderly, practical, and efficient
 1799 completion of legislative work undertaken by the House. These
 1800 rules shall govern procedures in the House notwithstanding any
 1801 inconsistent parliamentary tradition and notwithstanding any
 1802 joint rule or any statute enacted by a prior Legislature.
 1803 Adoption of these rules constitutes the determination of the
 1804 House that they do not violate any express regulation or
 1805 limitation contained in the Florida Constitution. These rules

HR 10

2008

1806 | may not be construed to limit any of the powers, rights,
 1807 | privileges, or immunities vested in or granted to the House by
 1808 | the Florida Constitution or other organic law.

1809 |
 1810 | 13.6—Majority Action

1811 | Unless otherwise indicated by these rules, all action by the
 1812 | House or its councils or committees shall be by majority vote of
 1813 | those members present and voting. When the body is equally
 1814 | divided, the question is defeated.

1815 |
 1816 | 13.7—Extraordinary Action

1817 | Unless otherwise required by these rules or the Florida
 1818 | Constitution, all extraordinary votes shall be by vote of those
 1819 | members present and voting.

1820 |
 1821 | 13.8—"Days" Defined

1822 | Wherever used in these rules, a "legislative day" means a day
 1823 | when the House convenes and a quorum is present. All other
 1824 | references to a "day" mean a calendar day.

1825 |
 1826 | RULE FOURTEEN—MISCELLANEOUS PROVISIONS

1827 |
 1828 | PART ONE—Public Records

1829 |
 1830 | 14.1—Legislative Records

1831 | There shall be available for public inspection, whether
 1832 | maintained in Tallahassee or in a district office, the papers
 1833 | and records developed and received in connection with official

HR10

2008

1834 legislative business, except as provided in s. 11.0431, Florida
 1835 Statutes, or other provision of law. Any person who is denied
 1836 access to a legislative record and who believes that he or she
 1837 is wrongfully being denied such access may appeal to the Speaker
 1838 the decision to deny access.

1839
 1840 14.2—Legislative Records; Maintenance, Control, Destruction,
 1841 Disposal, and Disposition

1842 (a) Records that are required to be created by these rules
 1843 or that are of vital, permanent, or archival value shall be
 1844 maintained in a safe location that is easily accessible for
 1845 convenient use. No such record need be maintained if the
 1846 substance of the record is published or retained in another form
 1847 or location. Whenever necessary, but no more often than annually
 1848 or less often than biennially, records required to be maintained
 1849 may be archived.

1850 (b) Other records that are no longer needed for any
 1851 purpose and that do not have sufficient administrative, legal,
 1852 or fiscal significance to warrant their retention shall be
 1853 disposed of systematically.

1854 (c) (1) The administrative assistant for each existing
 1855 council or committee shall ensure compliance with this rule for
 1856 all records created or received by the council or committee or
 1857 for a former council or committee whose jurisdiction has been
 1858 assigned to the council or committee.

1859 (2) The Speaker, the Speaker pro tempore, the Minority
 1860 Leader, the Majority Leader, and the Sergeant at Arms shall
 1861 ensure compliance with this rule for all records created or

HR 10

2008

1862 received by their respective offices and their predecessors in
 1863 office.

1864 (3) Each member shall ensure compliance with this rule for
 1865 all records created or received by the member or the member's
 1866 district office.

1867 (4) The director of an ancillary House office shall ensure
 1868 compliance with this rule for all records created or received by
 1869 the director's office.

1870 (5) The Clerk shall ensure compliance with this rule for
 1871 all other records created or received by the House of
 1872 Representatives.

1873 (d) If a council, committee, or office is not continued in
 1874 existence, the records of such council, committee, or office
 1875 shall be forwarded to the council, committee, or office assuming
 1876 the jurisdiction or responsibility of the former council,
 1877 committee, or office, if any. Otherwise, such records shall be
 1878 forwarded to the Clerk.

1879 (e) The Clerk shall establish a schedule of reasonable and
 1880 appropriate fees for copies of legislative records and
 1881 documents.

1882
 1883 PART TWO—Distribution of Documents; Display of Signs

1884
 1885 14.3—Distribution of Documents

1886 Documents required by these rules to be printed or published may
 1887 be produced and distributed on paper or in electronic form.

1888
 1889 14.4—Display of Signs, Placards, and the Like

HR 10

2008

1890 Signs, placards, or other objects of similar nature shall be
 1891 permitted in the rooms, lobby, galleries, or Chamber of the
 1892 House only upon approval of the Chair of the Rules & Calendar
 1893 Council.

1894

1895 PART THREE—House Seal

1896

1897 14.5—House Seal

1898 (a) REQUIREMENT. There shall be an official seal of the
 1899 House of Representatives. The seal shall be used only by or on
 1900 behalf of a member or officer of the House in conjunction with
 1901 his or her official duties or when specifically authorized in
 1902 writing by the Chair of the Rules & Calendar Council.

1903 (b) CONFIGURATION. The seal shall be a circle having in
 1904 the center thereof a view of the sun's rays over a highland in
 1905 the distance, a sabal palmetto palm tree, a steamboat on the
 1906 water, and a Native American female scattering flowers in the
 1907 foreground, encircled by the words "House of Representatives."

1908 (c) USE. Unless a written exception is otherwise granted
 1909 by the Chair of the Rules & Calendar Council:

1910 (1) Material carrying the official seal shall be used only
 1911 by a member, officer, or employee of the House or other persons
 1912 employed or retained by the House.

1913 (2) The use, printing, publication, or manufacture of the
 1914 seal, or items or materials bearing the seal or a facsimile of
 1915 the seal, shall be limited to official business of the House or
 1916 official legislative business.

HR 10

2008

1917 (d) CUSTODIAN. The Clerk shall be the custodian of the
 1918 official seal.

1919

1920 RULE FIFTEEN—ETHICS AND CONDUCT OF MEMBERS

1921

1922 15.1—Legislative Ethics and Official Conduct

1923 Legislative office is a trust to be performed with integrity in
 1924 the public interest. A member is respectful of the confidence
 1925 placed in the member by the other members and by the people. By
 1926 personal example and by admonition to colleagues whose behavior
 1927 may threaten the honor of the lawmaking body, the member shall
 1928 watchfully guard the responsibility of office and the
 1929 responsibilities and duties placed on the member by the House.
 1930 To this end, each member shall be accountable to the House for
 1931 violations of this rule or any provision of the House Code of
 1932 Conduct contained in Rules 15.1-15.7.

1933

1934 15.2—The Integrity of the House

1935 A member shall respect and comply with the law and shall perform
 1936 at all times in a manner that promotes public confidence in the
 1937 integrity and independence of the House and of the Legislature.
 1938 Each member shall perform at all times in a manner that promotes
 1939 a professional environment in the House, which shall be free
 1940 from unlawful employment discrimination.

1941

1942 15.3—Improper Influence; Solicitation of Campaign Contributions

HR 10

2008

1943 (a) A member may not accept anything that reasonably may
 1944 be construed to improperly influence the member's official act,
 1945 decision, or vote.

1946 (b) A member may neither solicit nor accept any campaign
 1947 contribution during the 60-day regular legislative session or
 1948 any extended or special session on the member's own behalf, on
 1949 behalf of a political party, on behalf of any organization with
 1950 respect to which the member's solicitation is regulated under s.
 1951 106.0701, Florida Statutes, or on behalf of a candidate for the
 1952 House of Representatives; however, a member may contribute to
 1953 the member's own campaign.

1954

1955 15.4—Ethics; Conflicting Employment

1956 A member shall:

1957 (a) Scrupulously comply with the requirements of all laws
 1958 related to the ethics of public officers.

1959 (b) Not allow personal employment to impair the member's
 1960 independence of judgment in the exercise of official duties.

1961 (c) Not directly or indirectly receive or agree to receive
 1962 any compensation for any services rendered or to be rendered
 1963 either by the member or any other person when such activity is
 1964 in substantial conflict with the duties of a member of the
 1965 House.

1966

1967 15.5—Use of Official Position

1968 A member may not corruptly use or attempt to use the member's
 1969 official position in a manner contrary to the trust or authority
 1970 placed in the member, either by the public or by other members,

HR 10

2008

1971 | for the purpose of securing a special privilege, benefit, or
 1972 | exemption for the member or for others.

1973 |
 1974 | 15.6—Use of Information Obtained by Reason of Official Position
 1975 | A member may engage in business and professional activity in
 1976 | competition with others but may not use or provide to others,
 1977 | for the member's personal gain or benefit or for the personal
 1978 | gain or benefit of any other person or business entity, any
 1979 | information that has been obtained by reason of the member's
 1980 | official capacity as a member and that is unavailable to members
 1981 | of the public as a matter of law.

1982 |
 1983 | 15.7—Representation of Another Before a State Agency
 1984 | A member may not personally represent another person or entity
 1985 | for compensation before any state agency other than a judicial
 1986 | tribunal. For the purposes of this rule, "state agency" means
 1987 | any entity of the legislative or executive branch of state
 1988 | government over which the Legislature exercises plenary
 1989 | budgetary and statutory control.

1990 |
 1991 | 15.8—Advisory Opinions
 1992 | (a) A member, when in doubt about the applicability and
 1993 | interpretation of these rules with respect to legislative ethics
 1994 | and member conduct, may convey the facts of the situation to the
 1995 | House general counsel for an advisory opinion. The general
 1996 | counsel shall issue the opinion within 10 days after receiving
 1997 | the request. The advisory opinion may be relied upon by the
 1998 | member requesting the opinion. Upon request of any member, the

HR 10

2008

1999 council or committee designated by the Speaker to have
 2000 responsibility for the ethical conduct of members may revise an
 2001 advisory opinion rendered by the House general counsel through
 2002 an advisory opinion issued to the member who requested the
 2003 opinion.

2004 (b) An advisory opinion rendered by the House general
 2005 counsel or the council or committee shall be numbered, dated,
 2006 and published. Advisory opinions from the House general counsel
 2007 or the council or committee may not identify the member seeking
 2008 the opinion unless such member so requests.

2009
 2010 15.9—Penalties for Violations

2011 Separately from any prosecutions or penalties otherwise provided
 2012 by law, any member determined to have violated the requirements
 2013 of these rules relating to ethics or member conduct shall be
 2014 fined, censured, reprimanded, placed on probation, or expelled
 2015 or have such other lesser penalty imposed as may be appropriate.
 2016 Such determination and disciplinary action shall be taken by a
 2017 two-thirds vote of the House, except that expulsions shall
 2018 require two-thirds vote of the membership, upon recommendation
 2019 of the Select Committee on Standards of Official Conduct
 2020 designated under Rule 16.2.

2021
 2022 15.10—Felony Indictment or Information of a Member

2023 (a) If an indictment or information for a felony of any
 2024 jurisdiction is filed against a member of the House, the member
 2025 indicted or informed against may request the Speaker to excuse

HR 10

2008

2026 | the member, without pay, from all privileges of membership of
 2027 | the House pending final adjudication.

2028 | (b) If the indictment or information is either *nolle*
 2029 | *prossed* or dismissed, or if the member is found not guilty of
 2030 | the felonies charged, or lesser included felonies, then the
 2031 | member shall be paid all back pay and other benefits retroactive
 2032 | to the date the member was excused.

2033 |

2034 | 15.11—Felony Guilty Plea of a Member

2035 | A member who enters a plea of guilty or *nolo contendere* to a
 2036 | felony of any jurisdiction may, at the discretion of the
 2037 | Speaker, be suspended immediately, without a hearing and without
 2038 | pay, from all privileges of membership of the House through the
 2039 | remainder of that member's term.

2040 |

2041 | 15.12—Felony Conviction of a Member

2042 | (a) A member convicted of a felony of any jurisdiction
 2043 | may, at the discretion of the Speaker, be suspended immediately,
 2044 | without a hearing and without pay, from all privileges of
 2045 | membership of the House pending appellate action or the end of
 2046 | the member's term, whichever occurs first.

2047 | (b) A member suspended under the provisions of this rule
 2048 | may, within 10 days after such suspension, file a written
 2049 | request for a hearing, setting forth specific reasons contesting
 2050 | the member's suspension. Upon receipt of a written request for a
 2051 | hearing, the Speaker shall appoint a select committee, which
 2052 | shall commence a hearing on the member's suspension within 30
 2053 | days and issue a report to the House within 10 days after the

HR 10

2008

2054 conclusion of the hearing. The report of the select committee
 2055 shall be final unless the member, within 10 days after the
 2056 issuance of the report, requests in writing that the Speaker
 2057 convene the full House to consider the report of the select
 2058 committee. Upon receipt of a request for such consideration, the
 2059 Speaker shall timely convene the House for such purpose.

2060 (c) If the final appellate decision is to sustain the
 2061 conviction, then the member's suspension shall continue to the
 2062 end of the member's term. If the final appellate decision is to
 2063 vacate the conviction and there is a rehearing, the member shall
 2064 be subject to Rule 15.10. If the final appellate decision is to
 2065 vacate the conviction and no felony charges remain against the
 2066 member, the member shall be entitled to restitution of back pay
 2067 and other benefits retroactive to the date of suspension.

2068
 2069 RULE SIXTEEN—PROCEDURES FOR LEGAL PROCEEDINGS

2070
 2071 PART ONE—Committees Conducting Legal Proceedings

2072
 2073 16.1—Procedures for Committees Conducting Legal Proceedings

2074 (a) Issuance of Subpoena

2075 (1) In order to carry out its duties, each standing or
 2076 select committee, whenever required, may issue subpoenas with
 2077 the approval of the Speaker and other necessary process to
 2078 compel the attendance of witnesses before such committee or the
 2079 taking of a deposition pursuant to these rules. Pursuant to Rule
 2080 7.1(b) and for purposes of Rule 16, the term "committee"
 2081 includes any council. The chair of the committee shall issue

HR 10

2008

2082 such process on behalf of the committee. The chair or any other
2083 member of such committee may administer all oaths and
2084 affirmations in the manner prescribed by law to witnesses who
2085 shall appear before such committee for the purpose of testifying
2086 in any matter about which such committee may require evidence.

2087 (2) Each standing or select committee, whenever required,
2088 may also compel by subpoena *duces tecum* with the approval of the
2089 Speaker the production of any books, letters, or other
2090 documentary evidence it may need to examine in reference to any
2091 matter before it. The chair of the standing or select committee
2092 shall issue process on behalf of the standing or select
2093 committee.

2094 (b) Contempt Proceedings

2095 (1) The House may punish, by fine or imprisonment, any
2096 person who is not a member and who is guilty of disorderly or
2097 contemptuous conduct in its presence or of a refusal to obey its
2098 lawful summons.

2099 (2) A person shall be deemed in contempt if the person:

2100 a. Fails or refuses to appear in compliance with a
2101 subpoena or, having appeared, fails or refuses to testify under
2102 oath or affirmation;

2103 b. Fails or refuses to answer any relevant question or
2104 fails or refuses to furnish any relevant book, paper, or other
2105 document subpoenaed on behalf of such committee; or

2106 c. Commits any other act or offense against such committee
2107 that, if committed against the Legislature or either house
2108 thereof, would constitute contempt.

HR 10

2008

2109 (3) A standing or select committee may, by majority vote
 2110 of all of its members, apply to the House for contempt citation.
 2111 The application shall be considered as though the alleged
 2112 contempt had been committed in or against the House itself. If
 2113 such committee is meeting during the interim, its application
 2114 shall be made to the circuit court pursuant to subsection (f).

2115 (4) A person guilty of contempt under this rule shall be
 2116 fined not more than \$500 or imprisoned not more than 90 days or
 2117 both, or shall be subject to such other punishment as the House
 2118 may, in the exercise of its inherent powers, impose prior to and
 2119 in lieu of the imposition of the aforementioned penalty.

2120 (5) The sheriffs in the several counties shall make such
 2121 service and execute all process or orders when required by
 2122 standing or select committees. Sheriffs shall be paid as
 2123 provided for in s. 30.231, Florida Statutes.

2124 (c) False Swearing. Whoever willfully affirms or swears
 2125 falsely in regard to any material matter or thing before any
 2126 standing or select committee is guilty of perjury in an official
 2127 proceeding, which is a felony of the third degree and shall be
 2128 punished as provided in s. 775.082, s. 775.083, or s. 775.084,
 2129 Florida Statutes.

2130 (d) Rights of Witnesses

2131 (1) All witnesses summoned before any standing or select
 2132 committee shall receive reimbursement for travel expenses and
 2133 per diem at the rates provided in s. 112.061, Florida Statutes.
 2134 However, the fact that such reimbursement is not tendered at the
 2135 time the subpoena is served shall not excuse the witness from
 2136 appearing as directed therein.

HR 10

2008

2137 (2) Service of a subpoena requiring the attendance of a
2138 person at a meeting of a standing or select committee shall be
2139 made in the manner provided by law for the service of subpoenas
2140 in civil action at least 7 days prior to the date of the meeting
2141 unless a shorter period of time is authorized by majority vote
2142 of all the members of such committee. If a shorter period of
2143 time is authorized, the persons subpoenaed shall be given
2144 reasonable notice of the meeting, consistent with the particular
2145 circumstances involved.

2146 (3) Any person who is served with a subpoena to attend a
2147 meeting of any standing or select committee also shall be served
2148 with a general statement informing the person of the subject
2149 matter of such committee's investigation or inquiry and a notice
2150 that the person may be accompanied at the meeting by private
2151 counsel.

2152 (4) Upon the request of any party and the approval of a
2153 majority of the standing or select committee, the chair shall
2154 instruct all witnesses to leave the meeting room and retire to a
2155 designated place. The witness shall be instructed by the chair
2156 not to discuss the testimony of the witness or the testimony of
2157 any other person with anyone until the meeting has been
2158 adjourned and the witness has been discharged by the chair. The
2159 witness shall be further instructed that if any person discusses
2160 or attempts to discuss the matter under investigation with the
2161 witness after receiving such instructions, the witness shall
2162 bring such matter to the attention of such committee. No member
2163 of such committee or representative thereof may discuss any
2164 matter or matters pertinent to the subject matter under

HR 10

2008

2165 investigation with any witness to be called before such
2166 committee from the time that these instructions are given until
2167 the meeting has been adjourned and the witness has been
2168 discharged by the chair. Any person violating this rule shall be
2169 in contempt of the Legislature.

2170 (5) Any standing or select committee taking sworn
2171 testimony from witnesses as provided herein shall cause a record
2172 to be made of all proceedings in which testimony or other
2173 evidence is demanded or adduced, which record shall include
2174 rulings of the chair, questions of such committee and its staff,
2175 the testimony or responses of witnesses, sworn written
2176 statements submitted to the committee, and such other matters as
2177 the committee or its chair may direct.

2178 (6) A witness at a meeting, upon advance request and at
2179 the witness's own expense, shall be furnished a certified
2180 transcript of the witness's testimony at the meeting.

2181 (e) Right of Other Persons to be Heard

2182 (1) Any person whose name is mentioned or who is otherwise
2183 identified during a meeting being conducted for the purpose of
2184 taking sworn testimony from witnesses of any standing or select
2185 committee and who, in the opinion of such committee, may be
2186 adversely affected thereby, may, upon the request of the person
2187 or upon the request of any member of such committee, appear
2188 personally before such committee and testify on the person's own
2189 behalf, or, with such committee's consent, file a sworn written
2190 statement of facts or other documentary evidence for
2191 incorporation into the record of the meeting. Any such witness,
2192 however, shall, prior to filing such statement, consent to

HR 10

2008

2193 | answer questions from such committee regarding the contents of
2194 | the statement.

2195 | (2) Upon the consent of a majority of the members present,
2196 | a quorum having been established, any standing or select
2197 | committee may permit any other person to appear and testify at a
2198 | meeting or submit a sworn written statement of facts or other
2199 | documentary evidence for incorporation into the record. No
2200 | request to appear, appearance, or submission shall limit in any
2201 | way the committee's power of subpoena. Any such witness,
2202 | however, shall, prior to filing such statement, consent to
2203 | answer questions from any standing or select committee regarding
2204 | the contents of the statement.

2205 | (f) Enforcement of Subpoena Out of Session. If any witness
2206 | fails to respond to the lawful subpoena of any standing or
2207 | select committee at a time when the Legislature is not in
2208 | session or, having responded, fails to answer all lawful
2209 | inquiries or to turn over evidence that has been subpoenaed,
2210 | such committee may file a complaint before any circuit court of
2211 | the state setting up such failure on the part of the witness. On
2212 | the filing of such complaint, the court shall take jurisdiction
2213 | of the witness and the subject matter of the complaint and shall
2214 | direct the witness to respond to all lawful questions and to
2215 | produce all documentary evidence in the possession of the
2216 | witness that is lawfully demanded. The failure of any witness to
2217 | comply with such order of the court shall constitute a direct
2218 | and criminal contempt of court, and the court shall punish such
2219 | witness accordingly.

2220

2221 PART TWO—Complaints against Members and
 2222 Officers of the House, Lobbyists, and Other Persons
 2223

2224 16.2—Complaints against Members and Officers of the House,
 2225 Lobbyists, and Other Persons; Procedure

2226 The following rules govern proceedings on all complaints under
 2227 the jurisdiction of the House. Such complaints include those
 2228 alleging improper conduct of a member or officer that may
 2229 reflect upon the House, violations of law or of the House Code
 2230 of Conduct by a member or officer, violations of administrative
 2231 regulations of the House relating to the conduct of individuals
 2232 in the performance of their duties as members or officers, or
 2233 violations of the Rules of the House, Joint Rule One, s. 11.045,
 2234 s. 112.3148, or s. 112.3149, Florida Statutes, or any other
 2235 applicable standard of conduct by any lobbyist or person other
 2236 than a member of the House.

2237 (a) Form and Content of a Complaint

2238 (1) A complaint shall be in writing and under oath,
 2239 setting forth in simple, concise statements the following:

2240 a. The name and legal address of the party filing the
 2241 complaint (complainant).

2242 b. The name and position or title of the member or officer
 2243 of the House or other person (respondent) alleged to have
 2244 committed a violation under the jurisdiction of the House.

2245 c. The nature of the alleged violation, based upon the
 2246 personal knowledge of the complainant, including, if possible,
 2247 the specific section of the House Code of Conduct, Joint Rule

HR 10

2008

2248 One, or law, rule, regulation, or other standard of conduct
 2249 alleged to have been violated.

2250 d. The facts alleged to have given rise to the violation.

2251 (2) The complainant shall attach to the complaint all
 2252 documents in the possession of the complainant that are relevant
 2253 to and support the allegations of the complaint.

2254 (3) A complaint may be withdrawn by the complainant at any
 2255 time.

2256 (b) Filing and Initial Processing of Complaints. All
 2257 complaints shall be initially filed with the Speaker who shall
 2258 then promptly forward the complaint to the Chair of the Rules &
 2259 Calendar Council. The Chair of the Rules & Calendar Council
 2260 shall initially review all complaints.

2261 (1) Upon receipt of a complaint, the Rules & Calendar
 2262 Council shall note the date of receipt.

2263 (2) If the complaint is against the Chair of the Rules &
 2264 Calendar Council, the chair shall return the complaint to the
 2265 Speaker. If the complaint alleges a violation by an employee of
 2266 the House, the chair shall return the complaint to the Speaker
 2267 for disposition as provided in Rule 4.3.

2268 (3) The chair shall, within 5 days (excluding Saturdays,
 2269 Sundays, and official state holidays), notify the member,
 2270 lobbyist, or other person against whom the complaint has been
 2271 filed and provide such member, lobbyist, or other person with a
 2272 copy of the complaint. For purposes of these rules, a complaint
 2273 against a lobbying firm shall be treated as a complaint against
 2274 each lobbyist who is a partner, owner, officer, or employee of
 2275 the lobbying firm. For purposes of Rule 16, the term "person"

HR 10

2008

2276 | includes any principal regardless of the organizational form of
 2277 | the principal.

2278 | (4) The chair shall, within 20 days:

2279 | a. Examine each complaint for jurisdiction and compliance
 2280 | with subsection (a). If the chair determines that a complaint
 2281 | does not comply with such rule, the complaint shall be returned
 2282 | to the complainant with a general statement that the complaint
 2283 | is not in compliance with such rule and with a copy of the rule.
 2284 | A complainant may resubmit a complaint, provided such complaint
 2285 | is resubmitted prior to the expiration of the time limitation
 2286 | set forth in subsection (1);

2287 | b. Dismiss the complaint and notify the complainant and
 2288 | the respondent of such action if the chair determines that the
 2289 | verified complaint does not allege facts sufficient to
 2290 | constitute a violation under the jurisdiction of the House;

2291 | c. Attempt to correct or prevent the alleged violation by
 2292 | informal means if the chair determines that a violation is
 2293 | inadvertent, technical, or otherwise *de minimis*; or

2294 | d. Transmit a copy of the complaint to the Speaker and, in
 2295 | writing, request the appointment of a Probable Cause Panel or
 2296 | Special Investigator regarding the complaint, if the chair
 2297 | determines that such a complaint does allege facts sufficient to
 2298 | constitute a violation under the jurisdiction of the House and
 2299 | that the complaint is not *de minimis*. A copy of the letter shall
 2300 | be provided to the complainant and the respondent.

2301 | (c) Appointment of Probable Cause Panel or Special
 2302 | Investigator

HR 10

2008

2303 (1) Creation. When the Speaker receives a copy of a
2304 complaint and a request for appointment made pursuant to
2305 subsection (b), and whenever the Speaker receives audit
2306 information indicating a possible violation of s. 11.045,
2307 Florida Statutes, other than a late-filed report by a lobbying
2308 firm (which shall be treated as the respondent for purposes of
2309 this rule), the Speaker shall, within 20 days, either appoint a
2310 Probable Cause Panel (panel) consisting of an odd number of
2311 members or appoint a Special Investigator. If the Speaker
2312 appoints a panel, the Speaker shall also designate one member of
2313 the panel as its chair. The Speaker may appoint up to two
2314 additional persons who are not members of the House to serve as
2315 nonvoting, public members of a panel.

2316 (2) Powers and Duties. The panel or the Special
2317 Investigator shall have the following powers and duties:

2318 a. Investigate complaints and possible violations
2319 resulting from audits, and promptly make appropriate findings of
2320 fact regarding allegations of improper conduct sufficient to
2321 establish probable cause of the violations complained of.

2322 b. Based upon an investigation by the panel or Special
2323 Investigator, make and report findings of probable cause to the
2324 Speaker and to the House as they relate to the underlying
2325 complaint.

2326 c. Recommend to the Rules & Calendar Council such
2327 additional rules or regulations as the panel or the Special
2328 Investigator shall determine are necessary or desirable to
2329 ensure proper standards of conduct by members and officers of
2330 the House in the performance of their duties or by lobbyists or

HR 10

2008

2331 others regulated by s. 11.045, s. 112.3148, or s. 112.3149,
 2332 Florida Statutes.

2333 d. Adopt rules of procedure as appropriate.

2334 (3) Quorum. A quorum of a panel, when appointed, shall
 2335 consist of a majority of the members of the panel. All action by
 2336 a panel shall require the concurrence of a majority of the full
 2337 panel.

2338 (4) Term. A panel or Special Investigator, as appropriate,
 2339 shall serve until the complaint that occasioned the appointment
 2340 of the panel or the Special Investigator has been dismissed or
 2341 until a finding of probable cause has been transmitted to the
 2342 Speaker.

2343 (d) Preliminary Investigation and Probable Cause Finding
 2344 by Probable Cause Panel or Special Investigator

2345 (1) Preliminary Investigation

2346 a. The panel or the Special Investigator shall provide the
 2347 respondent an opportunity to present to the panel, Special
 2348 Investigator, or staff of the panel, orally or in writing, a
 2349 statement responding to the allegations set forth in the
 2350 complaint.

2351 b. The panel, Special Investigator, or staff of the panel
 2352 may interview witnesses and examine documents and other
 2353 evidentiary matters.

2354 c. The panel or Special Investigator may order the
 2355 testimony of witnesses to be taken under oath, in which event
 2356 the oath may be administered by the chair or any other member of
 2357 the panel, by the Special Investigator, or by any person
 2358 authorized by law to administer oaths.

HR 10

2008

2359 d. The panel or Special Investigator may require, by
2360 subpoena issued pursuant to these rules or otherwise, the
2361 attendance and testimony of witnesses and the production of such
2362 books, records, correspondence, memoranda, papers, documents,
2363 and other items as it deems necessary to the conduct of the
2364 inquiry.

2365 (2) Probable Cause Finding

2366 a. Findings

2367 1. The panel, by a recorded vote of a majority of the full
2368 panel, or the Special Investigator, as appropriate, shall
2369 determine whether there is probable cause to conclude that a
2370 violation within the jurisdiction of the panel or the Special
2371 Investigator has occurred.

2372 2. If the panel or Special Investigator, as appropriate,
2373 finds that probable cause does not exist, the panel or Special
2374 Investigator shall dismiss the complaint and notify the
2375 complainant and the respondent of its determination.

2376 3. If the panel or Special Investigator, as appropriate,
2377 determines that probable cause exists to believe that a
2378 violation occurred but that the violation, if proven, is *de*
2379 *minimis* or is not sufficiently serious to justify expulsion,
2380 censure, reprimand, or the imposition of a penalty pursuant to
2381 Rule 16.4, the panel or Special Investigator may recommend an
2382 appropriate lesser penalty or may resolve the complaint
2383 informally. If the respondent agrees, a summary of the panel's
2384 or Special Investigator's conclusions, as appropriate, shall be
2385 published in the *Journal* and the penalty agreed upon shall be
2386 imposed. If the panel or Special Investigator is unable to

HR 10

2008

2387 | satisfactorily settle the complaint, the complaint shall be
 2388 | subject to a full evidentiary hearing before the Select
 2389 | Committee on Standards of Official Conduct.

2390 | 4. If the panel or Special Investigator determines that
 2391 | probable cause exists to believe that a violation occurred and
 2392 | that, if proven, would be sufficiently serious to justify
 2393 | expulsion, censure, reprimand, or the imposition of a penalty
 2394 | pursuant to Rule 16.4, the panel or Special Investigator shall
 2395 | transmit to the Speaker a Statement of Alleged Violation. The
 2396 | statement shall be divided into counts, and each count shall be
 2397 | related to a separate violation and shall contain a plain and
 2398 | concise statement of the alleged facts of such violation,
 2399 | including a reference to the provision of the House Code of
 2400 | Conduct, Joint Rule One, or law, rule, regulation, or other
 2401 | standard of conduct alleged to have been violated. A copy of the
 2402 | statement shall be furnished to each respondent.

2403 | b. Collateral Proceedings. If the complaint against a
 2404 | member or officer of the House has been the subject of action
 2405 | before any other body, the panel or Special Investigator may
 2406 | forward the complaint directly to a hearing pursuant to
 2407 | subsection (e).

2408 | (e) Select Committee on Standards of Official Conduct

2409 | (1) Select Committee on Standards of Official Conduct. The
 2410 | Speaker shall appoint a Select Committee on Standards of
 2411 | Official Conduct (select committee) within 20 days after receipt
 2412 | by the Speaker of a Statement of Alleged Violation or findings
 2413 | by the Commission on Ethics regarding a member of the House. The
 2414 | select committee shall hold hearings regarding the statement,

HR 10

2008

2415 hold hearings to determine whether a violation has occurred,
2416 and, if appropriate, make a recommendation for disciplinary
2417 action or other punishment to the full House.

2418 (2) Referee. The select committee may, in its discretion
2419 and with the approval of the Speaker, employ a referee to
2420 preside over the proceedings, to hear testimony, and to make
2421 findings of fact and recommendations to the select committee
2422 concerning the disposition of complaints. A hearing before a
2423 referee shall follow the rules of procedure and evidence
2424 applicable to a hearing before the select committee. A referee
2425 shall prepare a proposed recommended order and file it, together
2426 with the record of the hearing, with the select committee.
2427 Copies of the proposed recommended order shall be served on all
2428 parties. The proposed recommended order shall contain the time
2429 and place of the hearing, appearances entered at the hearing,
2430 issues, and proposed findings of fact and conclusions of law.
2431 The respondent and the independent counsel (or the committee's
2432 legal advisor) may file written exceptions with the select
2433 committee in response to a referee's recommended order.
2434 Exceptions shall be filed within 20 days after service of the
2435 recommended order unless such time is extended by the referee or
2436 the chair of the select committee.

2437 (3) Independent Counsel. The Select Committee on Standards
2438 of Official Conduct is authorized to retain and compensate
2439 counsel not regularly employed by the House, as authorized by
2440 the Speaker.

2441 (4) Consent Decree. At any point during which the select
2442 committee has jurisdiction over the complaint, the respondent

HR 10

2008

2443 and the select committee may agree to a consent decree. The
 2444 consent decree shall state findings of fact and shall be
 2445 published in the *Journal*. The consent decree shall contain such
 2446 penalty as may be appropriate. If the House accepts the consent
 2447 decree, the complaint pursuant to these proceedings shall be
 2448 resolved. If the House does not accept the consent decree, the
 2449 proceedings before the select committee shall resume.

2450 (f) Adjudicatory Hearing by Select Committee

2451 (1) Hearing. A hearing regarding a violation charged in a
 2452 Statement of Alleged Violation or, in the case of a member, a
 2453 hearing regarding a complaint and findings by the Commission on
 2454 Ethics, shall be held promptly to receive evidence upon which to
 2455 base findings of fact and recommendations, if any, to the House
 2456 respecting such violation.

2457 a. Chair. The chair of the select committee or other
 2458 member presiding at a hearing shall rule upon any question of
 2459 admissibility of testimony or evidence presented to the select
 2460 committee. Rulings shall be final unless reversed or modified by
 2461 a majority vote of the members of the select committee. If the
 2462 select committee appoints a referee, the referee shall make all
 2463 evidentiary rulings.

2464 b. Prosecutor. With respect to complaints against members,
 2465 the select committee shall serve as prosecutor for hearings and
 2466 staff of the select committee shall serve as legal advisor. For
 2467 all hearings involving a lobbyist or others regulated by s.
 2468 11.045, s. 112.3148, or s. 112.3149, Florida Statutes, the staff
 2469 of the select committee shall serve as prosecutor. In any case,

HR 10

2008

2470 | the select committee may retain independent counsel to serve as
2471 | prosecutor.

2472 | c. Respondent's Rights. A respondent shall have the right
2473 | to be represented by legal counsel, to call witnesses, to
2474 | introduce exhibits, and to cross-examine opposing witnesses. A
2475 | respondent or respondent's counsel shall be permitted to take
2476 | the deposition of the complainant in accordance with
2477 | subparagraph (2)b.

2478 | d. Complainant's Rights. The complainant is not a party to
2479 | any part of the complaint process or these proceedings. The
2480 | complainant has no standing to challenge these rules or
2481 | procedures and has no right to appeal. The complainant may
2482 | submit a list of witnesses or questions for the select
2483 | committee's consideration to assist in its preparation for the
2484 | hearing.

2485 | (2) Rules of Procedure and Evidence. The select committee
2486 | may adopt formal and informal rules of procedure as appropriate
2487 | to its needs. The select committee may consider any reliable
2488 | evidence as it sees fit. The following minimum rules of
2489 | procedure and evidence shall apply:

2490 | a. Evidence. Irrelevant, immaterial, or unduly repetitious
2491 | evidence shall be excluded, but all other evidence of a type
2492 | commonly relied upon by reasonably prudent persons in the
2493 | conduct of their affairs shall be admissible, regardless of
2494 | whether such evidence would be admissible in a trial in the
2495 | courts of Florida. However, hearsay evidence may not be used
2496 | unless it would be admissible under the *Florida Rules of*
2497 | *Evidence* and shall not be sufficient in itself to support a

HR 10

2008

2498 factual finding unless it would be admissible over objection in
2499 civil actions.

2500 b. Discovery. Discovery may be permitted upon motion,
2501 which shall state the reason therefor. Discovery shall be in
2502 accordance with the *Florida Rules of Civil Procedure* but may be
2503 limited in time, scope, and method by the chair or the referee.

2504 c. Testimony. The select committee shall order the
2505 testimony of witnesses to be taken under oath. The oath may be
2506 administered by the chair or a member of the select committee,
2507 by any referee, or by any person authorized by law to administer
2508 oaths.

2509 d. Subpoenas. The select committee may require, by
2510 subpoena issued pursuant to these rules or otherwise, the
2511 attendance and testimony of witnesses and the production of such
2512 books, records, correspondence, memoranda, papers, documents,
2513 and other items as it deems necessary to the conduct of the
2514 inquiry.

2515 e. Order of Hearing. The order of the full hearing before
2516 the select committee or the referee shall be as follows:

2517 1. The chair or the referee shall open the hearing by
2518 stating the select committee's authority to conduct the hearing,
2519 the purpose of the hearing, and its scope.

2520 2. Testimony from witnesses and other evidence pertinent
2521 to the subject of the hearing shall be received in the following
2522 order, whenever possible: witnesses and other evidence offered
2523 by the independent counsel, witnesses and other evidence offered
2524 by the respondent, and rebuttal witnesses. The select committee
2525 may call witnesses at any time during the proceedings.

HR 10

2008

2526 3. Witnesses at the hearing shall be examined first by the
2527 independent counsel or by the staff of the select committee, as
2528 the case may be. The respondent or the respondent's counsel may
2529 then cross-examine the witnesses. The members of the select
2530 committee may then question the witnesses. Redirect and recross
2531 may be permitted at the chair's or the referee's discretion.
2532 With respect to witnesses offered by the respondent, a witness
2533 shall be examined first by the respondent or the respondent's
2534 counsel and then may be cross-examined by the independent
2535 counsel or by the staff of the select committee, as the case may
2536 be. Members of the select committee may then question the
2537 witness. Redirect and recross may be permitted at the chair's or
2538 the referee's discretion. Participation by the select committee
2539 at the hearing stage is at the sole discretion of the select
2540 committee and is not mandatory.

2541 (3) Burden of Proof. At the hearing, the burden of proof
2542 rests on the appointed independent counsel or the staff of the
2543 select committee, as the case may be, to establish the facts
2544 alleged by clear and convincing evidence with respect to each
2545 count.

2546 (4) Committee Deliberations. As soon as practicable, the
2547 select committee shall consider each count contained in a
2548 Statement of Alleged Violation, in a complaint and findings, or
2549 in a proposed recommended order, as the case may be. A count
2550 shall not be proven unless at least a majority of the members of
2551 the select committee vote for a motion that the count has been
2552 proved. A count that is not proved shall be considered as
2553 dismissed by the select committee.

HR 10

2008

2554 (5) Dismissal of Complaint. If the select committee finds
2555 that the respondent has not violated any of the provisions under
2556 jurisdiction of the House, it shall order the action dismissed
2557 and shall notify the respondent and the complainant of such
2558 action. The select committee shall, in writing, state its
2559 findings of fact regarding the dismissal.

2560 (6) Report to the House. If the select committee finds
2561 that the respondent has violated any of the provisions under the
2562 jurisdiction of the House, it shall, in writing, state its
2563 findings of fact and submit a report to the House. A copy of the
2564 report shall be sent to the respondent and the complainant and
2565 shall be published in the *Journal*. With respect to any violation
2566 that the select committee has voted as proved, the select
2567 committee may recommend to the House that the respondent be
2568 penalized as authorized by the Rules of the House.

2569 (g) Confidentiality. Any material provided to the House in
2570 response to a complaint filed under this rule that is
2571 confidential under applicable law shall remain confidential and
2572 shall not be disclosed except as authorized by applicable law.
2573 Except as otherwise provided in this subsection, a complaint and
2574 the records relating to a complaint shall be available for
2575 public inspection upon the dismissal of a complaint by the Chair
2576 of the Rules & Calendar Council, a determination as to probable
2577 cause or informal resolution of a complaint by a Special
2578 Investigator or Probable Cause Panel, or the receipt by the
2579 Speaker of a request in writing from the respondent that the
2580 complaint and other records relating to the complaint be made
2581 public records.

HR 10

2008

2582 (h) Attorney's Fees. With respect to complaints filed
 2583 against a member, when a panel or a Special Investigator finds
 2584 that probable cause does not exist or the select committee finds
 2585 that the respondent has not violated any of the provisions of
 2586 the House Code of Conduct, Joint Rule One, or a law, rule,
 2587 regulation, or other standard of conduct, the panel, the Special
 2588 Investigator, or the select committee may recommend to the
 2589 Speaker that the reasonable attorney's fees and costs incurred
 2590 by the respondent be paid by the House. Payment of such
 2591 reasonable fees and costs shall be subject to the approval of
 2592 the Speaker.

2593 (i) Conflict. If a complaint is filed against the Chair of
 2594 the Rules & Calendar Council, the initial review of the
 2595 complaint shall be managed by the Speaker or, if designated by
 2596 the Speaker, the Speaker pro tempore. If a complaint is filed
 2597 against the Speaker, the duties of the Speaker pursuant to this
 2598 rule shall be transferred to the Speaker pro tempore.

2599 (j) Collateral Actions

2600 (1) Criminal Actions. Any criminal complaints relating to
 2601 members shall be governed by these rules.

2602 (2) Commissions or Quasi-Judicial Agencies with Concurrent
 2603 Jurisdiction. If a complaint against a member or an officer of
 2604 the House is filed with a commission or quasi-judicial agency
 2605 with concurrent jurisdiction, the Chair of the Rules & Calendar
 2606 Council, a Probable Cause Panel or a Special Investigator, and
 2607 the select committee shall have the discretion to refrain from
 2608 processing a similar complaint until such commission or quasi-
 2609 judicial agency has completed its review of the matter. If such

HR 10

2008

2610 a complaint is filed initially with the Speaker and subsequently
 2611 filed with a commission or quasi-judicial agency with concurrent
 2612 jurisdiction, the Chair of the Rules & Calendar Council, the
 2613 panel, the Special Investigator, and the select committee shall
 2614 have the discretion to suspend their proceedings until all such
 2615 commissions and agencies have completed their review of the
 2616 matter.

2617 (k) *Ex Parte* Communications

2618 (1) A Special Investigator or a member of a panel or
 2619 select committee shall not initiate or consider any *ex parte*
 2620 communication relative to the merits of a pending complaint
 2621 proceeding by:

2622 a. Any person engaged in prosecution or advocacy in
 2623 connection with the matter; or

2624 b. A party to the proceeding or any person who, directly
 2625 or indirectly, would have a substantial interest in the action
 2626 of a panel, Special Investigator, or select committee, or
 2627 authorized representatives or counsel thereof.

2628 (2) Except when acting in an official capacity as a
 2629 Special Investigator, a member of a panel or a select committee
 2630 shall not comment upon or discuss with any other person the
 2631 matters that occasioned the appointment of the Special
 2632 Investigator, panel, or select committee during the pendency of
 2633 proceedings held pursuant to this rule. This subsection shall
 2634 not apply to communications initiated or considered by the
 2635 Special Investigator or the chair of the panel or select
 2636 committee relating to a settlement or to a consent decree.

2637 (1) Time Limitations

HR 10

2008

2638 (1) A complaint must be filed with the Speaker within 2
 2639 years after the alleged violation.

2640 (2) A violation of the House Code of Conduct is committed
 2641 when every element necessary to establish a violation of the
 2642 rule has occurred, and time starts to run on the day after the
 2643 violation occurred.

2644 (3) The applicable period of limitation is tolled on the
 2645 day a sworn complaint against the member or officer is filed
 2646 with the Speaker. If it can be concluded from the face of the
 2647 complaint that the applicable period of limitation has run, the
 2648 allegations shall not be considered a complaint for the purpose
 2649 of requiring action by the Chair of the Rules & Calendar
 2650 Council. The complaint and all material related thereto shall
 2651 remain confidential.

2652

2653 PART THREE—Ethics and Conduct of Lobbyists

2654

2655 16.3—Lobbyists; Requests for Advisory Opinions

2656 (a) Obligations of a Lobbyist

2657 (1) A lobbyist shall supply facts, information, and
 2658 opinions of principals to legislators from the point of view
 2659 that the lobbyist openly declares. A lobbyist shall not offer or
 2660 propose anything that may reasonably be construed to improperly
 2661 influence the official act, decision, or vote of a legislator,
 2662 nor shall a lobbyist attempt to improperly influence the
 2663 selection of officers or employees of the House. A lobbyist, by
 2664 personal example and admonition to colleagues, shall maintain
 2665 the honor of the legislative process by the integrity of the

HR 10

2008

2666 lobbyist's relationship with legislators as well as with the
 2667 principals whom the lobbyist represents.

2668 (2) A lobbyist shall not knowingly and willfully falsify,
 2669 conceal, or cover up, by any trick, scheme, or device, a
 2670 material fact; make any false, fictitious, or fraudulent
 2671 statement or representation; or make or use any writing or
 2672 document knowing the same to contain any false, fictitious, or
 2673 fraudulent statements or entry.

2674 (3) During a regular session, or any extended or special
 2675 session, a lobbyist may not contribute to a member's campaign.

2676 (4) A lobbyist may not make any expenditure prohibited by
 2677 s. 11.045(4)(a), Florida Statutes.

2678 (5) No registered lobbyist shall be permitted upon the
 2679 floor of the House while it is in session.

2680 (b) Advisory Opinions; Compilation Thereof. A lobbyist,
 2681 when in doubt about the applicability and interpretation of
 2682 subsection (a) in a particular context, or any person when in
 2683 doubt about the applicability and interpretation of s. 11.045,
 2684 s. 112.3148, or s. 112.3149, Florida Statutes, as such statute
 2685 or statutes may apply to that person, may request an advisory
 2686 opinion under this subsection. Such request shall be in writing,
 2687 addressed to the Speaker, and shall contain the relevant facts.
 2688 The Speaker shall either refer the issue to the House general
 2689 counsel for review and drafting of an advisory opinion of the
 2690 Speaker or refer the issue to a committee designated by the
 2691 Speaker to have responsibility for the ethical conduct of
 2692 lobbyists, and the person requesting the advisory opinion may
 2693 appear in person before such committee. The Speaker or this

HR 10

2008

2694 | committee shall render advisory opinions to the person who seeks
2695 | advice as to whether the facts as described in the request and
2696 | any supplemental communication would constitute a violation of
2697 | such rule or statute by that person. Such opinion, until amended
2698 | or revoked, shall be binding upon the House in any proceeding
2699 | upon a subsequent complaint concerning the person who sought the
2700 | opinion and acted on it in good faith, unless material facts
2701 | were omitted or misstated in the request for the advisory
2702 | opinion. Upon request of the person who requested the advisory
2703 | opinion or any member, the committee designated by the Speaker
2704 | to have responsibility for the ethical conduct of lobbyists may
2705 | revise any advisory opinion issued by the Speaker or may revise
2706 | any advisory opinion issued by the general counsel of the Office
2707 | of Legislative Services under Joint Rule 1.8. The House general
2708 | counsel or this committee shall make sufficient deletions to
2709 | prevent disclosing the identity of persons in the decisions or
2710 | opinions. All advisory opinions of the Speaker or this committee
2711 | shall be numbered, dated, and published in an annual publication
2712 | of the House. The Clerk shall keep a compilation of all advisory
2713 | opinions.

2714

2715 | 16.4—Penalties for Violations

2716 | Separately from any prosecutions or penalties otherwise provided
2717 | by law, any person determined to have violated the foregoing
2718 | requirements of these rules, any provision in Joint Rule One, or
2719 | any law, rule, regulation, or other standard of conduct by a
2720 | person subject to the provisions of Rule 16.2 or Rule 16.3 may
2721 | be reprimanded, censured, prohibited from lobbying for all or

HR 10

2008

2722 any part of the legislative biennium during which the
2723 recommended order is proposed, or have such other penalty
2724 imposed as may be appropriate. Such determination shall be made
2725 by a majority of the House, upon recommendation of the Select
2726 Committee on Standards of Official Conduct designated under Rule
2727 16.2. Any prohibition or other limitation imposed by the House
2728 may be continued for up to a total of 2 years by a determination
2729 made by a majority of the House at or following the Organization
2730 Session following the biennium during which such prohibition or
2731 other limitation was imposed.